The humble APPEAL and REMONSTRANCE of THOMAS IVIE, Esq.

To His Highnesse the Lord Protector, &c.

HAd it not pleased the Lord to bear up my fainting spirit with more than an ordinary Confidence, that the Deliverance of his People was nigh at hand, and that he would put a stop to the Violent Passions of Oppressing Men, I had undoubtedly sunk under those abominable Scandals and aspersions, which have been cast, like dirt, about the streets, upon me, by my Wife and her Abettors.

But certainly the Day of our Deliverance is already dawn'd; And we are in some measure assur'd, that *Justice* and *Righteousnesse* is already broke forth, and that the Abominations of the Wicked shall be no more cloathed with *Authority*; but whatsoever is a Lie shall be made manifest, and confounded. (4)

As our Eyes are therefore on the Lord, as the supream Fountain of all Goodnesse, so we trust that the Declaration of his Will shall be made out by Your Highnesse, being chosen by Himself in an extraordinary manner, and by a wonderfull series of Providences, to this very end, to execute Righteousnesse and Judgement for his People that are oppressed amongst us: and that your Highnesse will put on bowels of Compassion for the Afflictions of Men in Misery, who pour out their Complaints and Grievances before you.

With this Confidence I appeale from the Chancery unto your Highnesse (being unable to endure any longer, either the Expences or Delays of that Court; or indeed the Justice, which is there distributed.) For besides the hazarding of that which is better than a precious Ointment, much of my Estate hath been consumed, and great Debts contracted, by reason of my attendance upon these unnaturall Differences, (which have been fomented between my selfe and my seduced Wife) much of it torne away by Violence under a Pretence of *Alimony* (or her,

her, to whom I never denyed or refuſed any thing whatſoever.

And that which remaineth, is daily ſo moleſted with Creditors, that I now may moſt truly take upon me the expreſſion of *Job*; *I once had Riches, but now have none*: And unleſſe it will pleaſe your Highneſs to afford a ſpeedy Redreſs, I ſhall hardly enjoy long my Liberty alſo.

I will not ſay any thing of thoſe ſad and diſmall Thoughts which have been continually in my Mind, thoſe hideous Temptations, which have been hourly grating and gnawing my very ſoul.

During this ſad Condition, 'tis the Voice of the Lord only can ſpeak Peace unto my Spirit, (whoſe Name be bleſſed for thoſe ſweet and refreſhing Experiences, with which he hath ſupported me in this fiery tryal but I ſhall open unto your Highneſs, as unto a good *Samaritan*, the wounds of my Body and *Fortune*; (and briefly preſent a *Narrative* of the whole Matter concerning my ſelf, and wife, and how it hath been tranſacted in the Chancery) That ſo I may with the more confidence expect a Cure proportionable to my Diſeaſe; and that your Highneſs Judgement may be as well grounded upon Knowledg, as my Suffering upon Experience.

Having faithfully diſcharged the Truſt that was repoſed in me by the honourable *Eaſt India Company* (as their chief Agent at *Madraſſopotan*, where I had not onely the Command of the perſons of Thouſands of People, but alſo the Fort of St. *George*, & Town of *Madraſſopotan*;) And having made a through Reformation of the grand Abuſes which had crept into thoſe parts, to the great Injury of the Trade; and erected them a Town by my own pains and Induſtry, even out of the Sea it ſelf, for the better advantage and ſecurity of it; I reſolved with my ſelf, (though I was often perſwaded by the ſaid Company to continue longer my Charge) to return into my Country, where I had left the near relation of a Wife behinde me: And by how much the more that Reciprocal happineſs (which we enjoyed together) did revive, the more enflam'd were my Deſires for her Return.

But I had no ſooner arrived in *England*, but the firſt News almoſt that was brought me, was the Death of my Wife, in her very Journey to meet me.

This was the firſt triall which the Lord laid upon me: But as he corrected, ſo he gave me Patience and Submiſſion to his Will in it; neither were friends wanting to endeavour a Belief in me, that as the Lord had taken one Wife from my Boſom, ſo he could beſtow another.

After many ſeverall Dayes and Months thus ſpent in Melancholy, and

and willing to inure my self to the Condition I enjoyed when I left *England*, I was perswaded to addres my self to one Mrs. *Garret*, a Widdow, and daughter of Mr. *Stepkins*, who was represented unto me to be as beautifull in mind as in person; And though her Husband had left her nothing, yet was I not deterr'd by this to forbeare my sute, supposing what was wanting in *Fortune*, would be made up in *Affection* and *Sweetnesse* towards me.

Hereupon, in short, about *October* 1649. a Marriage was had and concluded between us; and, that I might give the best demonstration what a high value I put upon her, I setled for her Joynture 1000 l. *per ann.* and Covenanted with her Trustees to leave her at the time of my Death 1000 l. also in ready money.

Her Father (now taking notice of this cordial and affectionate dealing of mine with his Daughter) made in short, this Propotition unto me, That if I would give him the said *Stepkins* 1000 l. more, and deliver forthwith unto his said Daughter, as many Jewels as might be worth at least 1200 l. that then he would settle his estate at *Wapping* (being 240 l *per an.*) upon me for my life, and after my decease to my Wife; And in case we had Issue, then to them; and in case we had no Issue, then to the Heirs general of the said *Stepkins*, or such as he the said *Stepkins* should limit and appoint.

To which I returned as short an answer, and told him, I would immediately performe his demand. Whereupon I did disposite 1000 l. in Money and 1200 l. in Jewels, and all the aforesaid agreements and Settlements were Indented in Parchment, and legally executed accordingly (as may appear from the Deeds themselves, proved by two Testimonies in Chancery, to which I refer my self.)

I make no mention what Presents, nor of what value they were, (though considerable) I sent her before Marriage, (because they were purely Gifts) but the other upon the most reall and highest consideration of Marriage.

I suppose its already evident, that had I now found the affection which I promised my self, it might very well be said to be rather purchased than gained; for although there was 240 l. *per ann.* setled upon the Considerations aforesaid; yet was it a dear bargain unto me, only for my Life, to lay down for it 2200 l. Neither was I to enjoy this untill the said *Stepkins* should decease; which (if the contingency of his Death, and the Interest of the Money had been considered) 'twas more than ten yeares purchase, for one life.

Nevertheless had there been a Return but of common Gratitude,

(much leſſe of a conjugal Affection) I ſhould ſcarcely have entertained a Thought of Penitency for ſo large a Joynter, which I had ſetled.

But certainly the Anger of the Lord began now to be kindled againſt us, and whether 'twas for her ſins as well as mine owne, and particularly for being inſtrumental to the Diſheriting of the eldeſt Son and Heire of the ſaid *Stepkins* (who never had demerited it in the leaſt meaſure from the Father) I know not, the Lord diſcover it unto us both in his due time: But certaine it is, that ſhe could not long continue her ſelf from diſcovering, that 'twas rather my *Fortune* than my *Perſon*, which ſhe had wedded; rather embracing Advantages of expreſſing Kindneſſe to others, than her Husband.

Notwithſtanding many of theſe inconveniences did I paſſe over (though 'twas very grievous to be thus uſed ſo ſoon after our Marriage, within leſſe than ſixe months, and ſtill perſevere (if with Prudence I may ſpeake it) with more than uſuall fondneſſe) ſhe could no ſooner propoſe any thing, which my Purſe or Induſtry could procure, but 'twas immediately provided; nothing which might be either for Neceſſity or Ornament (though never ſo coſtly) but ſhe had it, though I borrowed money to provide it.

I could here tell your Highneſſe in what Plenty I maintained her, with what ſummes of Money in her Purſe, with her Coach and Horſes, Saddle-Horſes, and rich Furniture, rich Cloathes, Beds, Linnen, &c. but that I ſhould diſcover too much of my Folly in it, as well as her Unworthineſſe.

But I am confident, and ('tis proved by ſufficient Witneſſes in Chancery) that in eighteen months after our Marriage, ſhe had ſpent for her Accommodations above 3000 l. whereof 600 l. was in Apparel only, 500 l. in ready money.

But all this could not prevaile, the Multiplicity of Curteſies and Endearments towards her on my part, was but the encreaſing of her frowns and ſlightings towards me; and being unſatisfied with what I voluntarily beſtowed upon her, ſhe took all opportunity (in my abſence from home) to imbezele what goods ſoever ſhe could come at; and at one time (when I was at the Court of Aldermen) ſhe took from my Houſe 300 pounds at leaſt of rich *Eaſt India* Stuffs, and Plate.

The company ſhe reſorted unto (were no leſſe offenſive unto me than her actions) being either Perſons of very low Condition, or Deſperate Fortune, whoſe Neceſſities and Debaucheries ſtill prompted her to further Inconveniences.

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It being now evident unto me, and all our acquaintance beſides, That a ſudden Ruine could not but be near to our Eſtates, and unhappineſſe to our Perſons, I entred upon a ſerious Reſolution to withdraw for a while to my Country houſe at *Malmsburby* in *Wiltſhire*, and perſwaded my Wife to a compliance herein; This I did, that I might pay thoſe Debts, which I had contracted by her means, and take her from the Occaſions and the Perſons which had enticed her to ſuch pernicious courſes.

But they (finding if their *Diana* ſhould leave *London*, the ſilver ſhrine would be alſo removed) were too too prevalent with her to retard her Journey; Nay in concluſion ſhe abſolutely refuſed to go with me.

Notwithſtanding I did not forbear all the Arguments, which either Prudence or Neceſſity could dictate: And that I might not neglect any Motive, which I thought might conduce to this end, I gave 100 l. to two of her Familiar acquaintance (whom I thought moſt prevalent with her) to perſwade her to accompany me into the Country.

But no charms of Perſwaſions had any influence, nor Reaſon (though very urgent and manifeſt) but was ſlighted.

Nevertheleſſe before I went out of Town, I writ this Paper, and left it with her.

Sweetheart,

THe *Reaſons wherefore I am at preſent forced to leave* London, *is in regard of the following particulars.*

1. *Becauſe my Houſe, Family, Goods and Eſtate in the Country goeth much to Ruine for want of my preſence.*

2. *Becauſe my Engagements in* London *are great,* viz. 1146 *l.*

3. *Becauſe of theſe great Engagements, my Credit, which hath been of value, (but now through ſome Diſparagements and evill practices,) is loſt in* London, *that I cannot borrow any more money to ſupply yours and my preſent wants: And now, when I thought all things had been forgotten, I heard abroad by my Friends, that by certain Warrants iſſued out by the States for your ſelf, and others to appear before them, that I am aſhamed to walk* London *ſtreets; and I much fear, that if I continue in* London, *you will in ſhort time both ruine your ſelfe and me.*

4. *You are ſo tranſported by the Perſwaſions, and practices of your Aunt & Others, that I, nor no Friend of yours, can intreat you to leave their Company and evil counſel, which daily breeds Debates and Strifes between us; Notwithſtanding, they have been by their ill Counſel and evil Actions, the chief*

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occasion of all, which hath brought us to this sad condition and shame that we are now in. So that I may now say with Job, I had once riches, but they are now wasted, *and* once I had a Wife, but now she will be no longer mine.

5. *I have no imployment nor Calling in* London; *which disgracefull and unquiet life is hatefull unto me, and most disadvantagious; for I find not this Town good for my health, (by reason of my continuall trouble) my expences are insupportable: And I protest before the great God of Heaven, my onely joy and comfort should have been, and shall be (if I can any way find your affections reciprocal, and your compliance equal) to support your Honour and Fortune beyond my owne: But if we continue in* London, *I find all will be quickly confounded and destroyed.*

Therefore, Dear Heart, take the premisses into good, religious, and serious consideration, and go with me unto our habitation in the Country, by which means, all things that are past, will be forgotten, whereby we shall be both happy; for my intents are onely and really to make you a happy Woman: For I protest before God, when you come into the Country, I shall render my selfe and Estate to your Disposure, to come and goe when and where you please, which shall be faithfully and lovingly performed by me; but if not, be pleased to take this as a sad Farewel, from

London 17 March, 1650. *Thy most affectionate Husband,* Thomas Ivie.

And immediately after my Arrival at *Malmsbury*, as soon as I had accommodated my house; I sent her this Letter.

Most dear Heart,

YOu cannot but be sensible of my sad condition and necessity at London, *by reason of my Discontents and great summs of money which I do owe, and have not wherewithall to satisfie my Creditors, for had I stayed longer, I must of necessity have been carryed to Prison, or at least to my Grave; for I was so much troubled and griev'd in mind at your unkindnesse, and want of money, that I thought my heart would have broken, which so transported me, that I knew not what I did, when I left you. Yet notwithstanding your unkindnesse to me if you can borrow 30 l. of any Friend of ours to supply your present occasions) I will see it satisfied; if not, I shall willingly consent, that you pawn some of your Jewels for so much money; and when the* India *ships come home (God willing) I shall redeem them for you again; and when I have paid my debts, you shall command me and my Estate, which shall be at your disposure. I should rejoyce to see you and my Father* Stepkins *here; Therefore, Dear heart, when you have a mind to come unto me, advise me, and I shall wait upon you, to bring you down; And when you are weary of my company*

company and entertainment in the Country, (where my ſelfe, and all that I have ſhall be at your diſpoſure) I ſhall (when you pleaſe) return again with you to London, *and ever remain*

Malmsbury 24 March, 1650. *Your moſt affectioned Husband,* Thomas Ivie.

Inſtead of a complying Anſwer, which I expected, (for We cannot eaſily deſpair of Things We paſſionately deſire) I received this Summons from the Lords Commiſſioners of the Great Seal, to appear before them.

WHereas Theodoſia *your Wife hath on this preſent day preferr'd her humble Petition unto us, the Lords Commiſsioners of the Great Seal of* England, *Thereby praying Allowance of Alimony, as by her ſaid Petition remaining with us doth appear, We do at her inſtance give you notice thereof, Requiring you hereby to make your perſonal appearance before Us, on the thirtieth day of this Inſtant, to ſpeak with Us about the ſame.*

Middle Temple the 11 day of April, 1651. Richard Keeble, John Liſle.

Immediately (laying aſide all my buſineſſe) as faſt as Paſſions and Spurs could quicken, I repaired to the Chancery, where I found (to my great aſtoniſhment) this falſe and ſcandalous Libel, under the Title of a Petition for *Alimony* preferr'd againſt me.

The Humble Petition of *Theodoſia Ivie*, Plaintiff, Wife of *Thomas Ivie*, Defendant.

THat She being the Daughter of John Stepkins *Eſq. and married to the Defendant, who hath (without any cauſe given him) not onely deſerted her company, but left her deſtitute of all manner of Means for her livelihood and ſubſiſtence; And that during the time ſhe cohabited with him, ſhe hath not only been in great danger of her life, by his cruel uſages, and unjuſt contrivances, but by ſome means occaſioned by the Defendant, ſhe hath been very weak and infirm; And hath received from him ſuch Infirmities (not becomming a Husband to confer on his Wife) And that by reaſon of his ſaid cruelties, and the peril of receiving from him Diſeaſes of dangerous conſequence, ſhe could not cohabit with him as his Wife, without eminent peril of her life; And the Defendant was not onely departed from her, but utterly*

denyed to allow her any convenient Support: And that for meer necessity she had contracted some small debts; And therefore she prayed the speedy Aid of the Court; And that they would summon the Defendant before them, that upon hearing her just complaints, she might be relieved, and have such fitting allowance by way of Alimony *granted to her, as to the Court should seem meet; And that for the present, she may have some convenient Allowance for Expences in this Suite, she being otherwise unable to proceed therein.*

To which (having sought *Patience* from above) I returned this answer: That 'tis true, he Marryed the Plaintiff, and hath ever since used her with the respects of an affectionate Husband to a loving Wife, and neither hath, nor did intend to desert her Company, but much desires it, if he may finde respectfull carriage from her; and is so far from leaving her destitute of all meanes, that since his Marriage, which was not then above eighteen Months, he had furnished her with Jewels and Pearl, to the value of 1200 l. besides Apparel, which cost him above 200 l. All which Pearl and Jewels she had in her Possession in *March* then last past, when the Defendant went to his dwelling-house in *Wiltshire*, at which time, he not onely solicited her to goe and dwell with him, but promised her (upon the Enjoyment of her in the Country) to resigne both himselfe and his Estate to her Commands and Disposall.

That he hath likewise paid her Father 1000 l. for which he should have setled upon the Defendant some Estate of Inheritance for her Portion, which is all the *Fortune* he ever expected with her, whereof he hath not received the value of one peny.

That he allowed her for Cloaths money, and otherwise for her use, above 800 l. And during the time he hath lived with her, he hath spent in Houshold stuff, House-rent, and House keeping, 2870 l. so that in eighteen Months, he spent with her 6000 l. And this he mentions not, as if he repented of his Kindnesse to her, but to evidence to their Lordships, that there is no just cause of Complaint against him, for not allowing her Maintenance.

That he never acted any thing of Danger or Cruelty, or that might occasion any infirmity to her; nor was there ever any Disagreement, or any Cause why she should separate from him; But her desire was to live in *London*, a place neither agreeable to the defendants health, or Estate; He having already (by reason thereof) contracted many Debts: And confesseth, that having (by consent of her Father and her

selfe)

ſelf) bought an Eſtate in *Wiltſhire*, ſituate in a healthfull air, and a place of much conveniency, delight and profit, He hath many times by Letters, in Perſon, and by Friends, earneſtly deſired her to live with him at his ſaid houſe in the Country, where ſhe ſhall want for nothing in his power, for her uſe and conveniency, and care ſhall be taken for accommodation for her journey, wherein he hopes yet to prevaile, that they may mutually enjoy the Comfort of each other, which he much thirſteth after, and is not a little grieved there ſhould be any Queſtion of it.

That he took ſuch Order (preſently after his going into the Country) whereby the Plaintiffe was ſupplyed with moneyes for her preſent occaſions, and preſumes the foul ſcandals ſuggeſted in the Petition, are well known to the Plaintiff to have ſo little colour of Truth in them, as he hopes the ſame were put into the Petition, as words of Courſe, rather than by her Direction: And he utterly denyes the ſame; and therefore he hopes, he ſhall not be ordered to make Allowance to the Petitioner, (as in the Petition) ſhe demands.

Could ever any Man ſuſpect to be thus dealt withall by a Woman, that had plighted her faith in Marriage to one, who had ſetled ſo great a Joynture, given her ſo many Gifts, ſo much Money, Jewels, and all other accommodations whatſoever in the greateſt Plenty, for the Conſideration of Nothing? Certainly amongſt the *Indians* themſelves have I not ſeen ſo great a perfidiouſneſſe.

Now had I a juſt Reaſon to ſuſpect, 'twas not onely the malicious Counſels of her wicked Abettors, was the cauſe of her inhumanity towards me; but that ſhe had in her own Breſt a Principle of Enmity and diſſatisfaction, even to the Relation of being my Wife.

Nay ſeeing the *Scene* appears, 'tis too eaſie to underſtand what Plot is laid and concluded; If ſhe can ſurvive me (which ſhe thinkes very probable) and hath no iſſue of our two bodies (which ſhe is reſolved never to have) by keeping her ſelfe from me, Then will ſhe be a *Fortune* indeed, and her Widdowhood be worth its weight in Gold. And if in the meane time (during my life) ſhe can have from the Lords Commiſſioners (by way of *Alimony*) 300 *per annum*, ſhe will think her ſelf in a better condition, than her Father, who had but 240 l. *per annum*, both for himſelfe and his whole Family: And to proſecute the Suite, ſhe hath 1200 l worth of Jewels already, and 500 l. in ready Caſh advanced, and her Husband much in debt, ſo that peradventure ſhe may out-ſpend him alſo even at Law.

But to obtain this glorious deſign, many difficulties are to be paſs'd

through; And though she her self hath resolved to calumniate vehemently (presuming that somewhat will gaine a Belief amongst many) yet will not this be enough; and therefore, *Witnesses* must be prepared of as large *Consciences* as *Foreheads*: And for their better encouragement, They shall participate in the Gain and Advantage: Welcome Expressions and Opportunities to such Persons, whose defamed Lives, and necessitous Fortunes, rendred them, neither in a Capacity to live, or converse with People of any Honesty or Reputation.

As for her part, her suggestions and insinuations were high indeed; much fear she pretended (for had it been more than a Pretence, all had been accomplished, and my life lost) lest, she should participate of the Sins and Punishments of *Sodom* and *Gomorrah*: And as for her body she durst not trust her body with me lest (at any time being Morose and Cholerick I should injure her by Blows; or if kind, I should infect her with unclean diseases.

To inforce these Motives upon the Minds of all People, who now took notice of these distractions, never was there a more exquisite Vizard of Modesty put on by a Woman: Never were Expressions of Religion more distorted to an ill end; no Projects and Practices of Obscenity and murder in self, were wanting to colour these malicious devices against me; Nay, so grossely infatuated was she in her scandal, that she represented my person to be more like to a *Monsters* than a *Mans*.

Her Abettors are not wanting in acting their parts also; What she insinuated they converted into clamours; neither stuck to depose any thing, what possibly could be believ'd to be sworne by them, without any apparent contradiction.

Having thus prepossessed the Ears of as many Persons of Quality as she could, and framed a Harmony of Testimonies (as well as of Witnesses) with as much Art and Cunning, as her own Wit, or her Abettors, (or the matter it self could supply) she took out with much eagernesse a Commission out of the Court, to make what proof she could of her Petition.

Notwithstanding this further provocation also, my lips were lock'd up with silence, as well as my Heart with sorrow, not retaliating Evil for Evil in the least measure; or so much as intimating unto her, of her first Follies (which if they were published by me) might have raised a great Cloud upon her Reputation: Neither was I content to be totally Passive of what injuries had passed, but was resolved not to leave any meanes unattempted to reclaim her from these extravagancies.

And

And thereupon went unto her in Perſon, with Mr. *Eſcot*, Serjeant *Middleton*, and Mr. *Booth*, at Mr. *Zancheys* houſe (he himſelfe being preſent) and with as much Rhetorick, as my real affection to her could dictate, did paſſionately move her to a Reconciliation: ſhewing what Scandal and diſhonour would follow ſuch differences, and promiſing withall, a perfect Oblivion of whatſoever had been acted againſt me; And to fortifie my arguments the better, I deſired all thoſe Gentlemen there preſent, to do the office of Chriſtian Moderators, and to endeavour to ſtop the Breaches between us, which were too wide already.

Nevertheleſſe, by how much the more weight ſhe perceived in our Reaſons, the more obſtinacy ſhe diſcovered in her returns, utterly rejecting any agreement, upon what terms ſoever.

Hereupon ſuſpecting in her the apparant Symptoms of a ſear'd Conſcience; and how that by my ſilence, the world began to infer a main Guilt of thoſe Aſperſions which had been divulged againſt me, Upon the ſerions advice of my Counſel (though I cannot but acknowledge a very great Reluctancy thereunto) I was perſwaded to examine Witneſſes alſo, both to vindicate my own integrity, and to diſcover unto the world the Grand Cheat that was contrived to gaine my Eſtate (which could no otherwiſe be accompliſhed) without defaming my Perſon (and if it were poſſible) to take away my life alſo: which ſhall evidently appear anon.

But before I ſhall give an Account of the proofs which were made on my behalf, I ſhall according to her own forwardneſſe and Method give your Highneſſe a ſhort view, what was atteſted for her.

One ſwore, That he ſaw me ſqueeze her (at eleven a clock) one night, as She was going down ſtairs.

Another that ſhe heard my Wife complaine of ill uſage (but though ſhe lived in houſe with us) never heard me give an ill word to her.

Another heard her cry out, Help, Help, Murder, Murder; and ſaw me take her by the throat: Though I refer my ſelf to my *Affidavit* on Oath, yet when I ſhall manifeſt it, (That this Woman who ſwore this, was brought in that very night, and next morning conveyed away) I ſuppoſe 'twill be no difficult thing to perſwade any one to believe, that this Creature was brought in on purpoſe to be a Witneſſe againſt me.

The Woman that ſwore this was brought in that very night, on purpoſe to be a Witneſſe, and the next morning went away again.

One *Meaſler* (a pretended *French Phyſitian*) ſwore that ſhe was ill; and that there was a ſuſpition of Poyſon: but this was five moneths

after ſhe left me; and was commonly reported to have the Pox, (which being a Venomous Diſeaſe) the *Frenchman* might ſafely ſwear (with a mental Reſervation, the frequent Practice of his Countreymen) there was a ſuſpition of Poyſon.

This is the ſubſtance of what was ſworne againſt Me, (and ſhould I name the Perſons of the Witneſſes) they were more meane than their Teſtimonies; The Chief of them was her *Aunt* Miſtreſſe *Williamſon*; of whom I ſhall ſay no other, but that her *Way* and *Living* is after the rate of 300, or 400l. *per annum*, though it be well known, That neither her Husband nor her ſelf, have any *Profeſſion* to live by, or any viſible Eſtate, nor worth a Penny; but are ſo nearely poor, That he or ſhe dares not appear in publique, leſt they be carryed away by *Bailiffs* for the Multitude of Debts he owes.

This is that ungodly Wretch, who too viſible hath been the Ruine, both of my ſelf and Wife, as will appeare from the Depoſitions themſelves.

One *Perſon* there was produced on her behalf (whoſe Name hath a Reputation in the World, *viz.* Sir *John Brampſton*;) yet all that he can depoſe for Her, is nothing which is material, but that he never knew her defam'd, but in this Buſineſſe, and that ſhe was bred up amongſt his Children; and that he often endeavour'd a Reconciliation between us: Whether he did it, or no, I cannot affirme, but when I was told by him lately, and never heretofore, That he had a *Pre-Morgage* of the Eſtate of 240 l. *per annum* (made unto him by *Stepkins*) which was ſetled on Me for the Conſideration afore ſaid, I hope, that I ſhall not be condemn'd, as too jealous without a Ground, That he is fiſhing for his own Intereſt in our troubled waters.

Were there ought elſe conſiderable depoſed againſt me, I ſhould deal ſo ingenuouſly as to relate it, being very confident, that at the hearing of my Cauſe before any in Authority, there will not be wanting *Agents* enough for her, to lay open the worſt againſt me.

One thing therefore more (and that which they think moſt conſiderable againſt me, not in order to juſtifie her Complaint, but to take off a Belief, from what ſhe knew I could prove againſt her and her ſaid Aunt *Williamſon*) was briefly this, that I endeavour'd to ſuborn one *Holdſworth* (a poor fellow about the Town) to ſwear point blank, That my Wife was a Whore, and her *Aunt Williamſon* a Bawd.

That I may be impartial in this *Narration*, I ſhall cite the very words themſelves of this Depoſition, which are theſe.

That in *April* and *May* was twelve-moneth, He (*viz.* this Deponent) came

came to the Defendant, (*viz.* to my self) for Money for one *Nicholas*; and the Defendant said, He could prove Mistress *Williamson* a Bawd, and would have had him sworn it; and offered the Deponent money to swear the Plaintiff (meaning Mrs. *Ivie*) was a Whore.

That he had made the Commissioners for him; and said, That *Stepkins* and all his *Family* were *Base People*; and often offered him money to swear; and said, he had two Witnesses more, if he would make up the third.

How much Indiscretion, as well as Falshood, was in this Deponent, and both in them, who imployed this inferiour Person, and who too probably practic'd that infamous *Act* of Creating Knights of the Post (which seems to appear, even from the Oath it selfe) For certainly, had I been provided with two Witnesses (as he said I told him) which Number the Law admits even in the highest Cases) it had not onely been an impertinent losing of my Money, but my Honesty also, to no purpose: Besides there are scarce any so ignorant, but understand how difficult a thing it is to prove even a Whore, a Whore.

'Twas against the Advice of my Counsel, and my owne Inclination also, to examine any Witnesse of so mean a quality in such Differences, (as these are betweene my selfe and my Wife) lest the contemptiblenesse of the Evidence, might derogate from the Truth of the thing: Most of those (whom I produced to give Testimony on my behalfe) were persons of faire Estates, many hundreds *per annum*, and such, who for many years past, have been Justices of the Peace in their Country, *&c.* But more (of this *Nature*) I omit: For (without Doubt) *Poverty* and *Honesty* are not inconsistent: The most precious Saints of God, are more frequently found cloath'd with Rags, than in a Kings house: *Job* himself was more acceptable to the Lord on the Dunghill, than in his costly Palaces: But withall there must be a Poverty in Spirit, as well as in Estate; otherwise, they will forfeit both their *Religion* to *God*, and their *Credit* amongst *Men*: For certainly a poor Man (being notoriously vicious and scandalous) is to be reputed rather a *Vermin* in *Nature*, than a Member of *Christian Society*, whose Testimonies stink in their own Nostrils, and their Memory shall perish with them.

That your Highness may the more knowingly judge and determine, both of this and other Proofs against me, I humbly beg leave to lay before your Highness the Manifestation of my Answer, which I returned to my Wifes Petition, and what Evidences I produced to the cleering of it.

1. To the first charge in the petition; that I left her destitute of all manner of Livelihood and subsistence. 'Twas

'Twas depoſed,

(Beſides her having of 1200 *l.* worth of Jewels in her Cuſtody) That I maintained her with meat, drink, and cloathes, and all Conveniences in a very plentifull high way, *l. A. fol.* 19. *f.* 40,47. *l.* 3. *f.* 3,4,49.

That ſhe had the diſpoſal of all things in his houſe, *f.* 7.

That he ſpent Twenty ſhillings a day in meat, beſides Spice, Sugar, Wine, Beer, &c. *fol.* 8. *f.* 55,56,57.

That he importun'd her to goe live with him into *Wiltſhire*, *l. A. f.* 4. *l.* 13. *f.* 9,10,11.

That ſhe was richly cloathed, *fol.* 60. Had a Coach and Horſe for her uſe, *f.* 67. Beſides a Coach, he provided for her Journey a ſingle Horſe, worth 45. l. *f.* 68. and a Riding Suit worth 40. l. and horſe furniture, worth 40. l. more. *l. B. f.* 68.

That ſhe abſolutely refuſed to keep me Company into the Country, but would rather ſtay with her Aunt *Williamſon*, *l. C. fol.* 13.

That I gave 100. l. to Serjeant *Middleton*, the Serjeant to the Lords Commiſſioners, and Mr. *Paunceſoot*, a Clerk to ſeverall Committees, to perſwade her to goe with me, *l A. f.* 8.

That ſhe refuſed notwithſtanding, *l. A. f. C.*

And for her Reception, I immediately declared in my anſwer, my Willingneſſe to receive her, and cohabite with her, and provide her all neceſſaries and conveniences whatſoever.

To the Objection which follows in the Petition, That my Uſage was Cruel.

'Twas depoſed,

That I ever expreſſed much Love towards her, and was an Indulgent Husband, *l. A. f.* 18. 39. *fol.* 2. *l. B. f.* 3. *f.* 48. *l. C. f.* 10,12,19.

That I ever ſhewed a Willingneſſe to pleaſure her in any thing, *l. B. f.* 36.

That the ſqueezing her by the arms, was but the holding of her, when ſhe attempted to run from me, intreating her with all fair words to ſtay, *l. B. f.* 82.

To the third Charge, That I had given her foul Diſeaſes, (meaning the *Pox*) 'twas not onely Depoſed, that I was then free, but upon the Search of my Body, (which I voluntarily did deſire might be done by able and honeſt Phyſitians) but there was not the leaſt Signe or Symptome, that I ever had that fowl Diſeaſe. *l. B. f.* 35, 36. *l. C. f* 4. And at that time this was reported, ſhe her ſelfe was free from it, *l. B. f.* 37.

And for my further Vindication herein, I beſeech your Highneſſe to read

read, but these two Certificates under Oath of three eminent Doctors, and one Chirurgion; the President of the College of *London*, Dr. *Prujean*, Dr. *Wedderburn*, Dr. *Nurse*, and Mr. *Boon*.

WE whose names are hereunto subscribed, do certifie, That Thomas Ivie, *Esq. (upon a scandalous Petition exhibited against him by* Theodosia *his Wife, that he had infected her with that foul Disease of the Pox (as the said Mr.* Ivie *inform'd Us) did desire Us, and voluntarily offer himself to be searched by Us concerning the same. Whereupon, upon search, and view had of his naked body; We find, That Mr.* Ivie *is not onely free from the said disease but so free from it, that we cannot perceive, that he was ever tainted therewith: Witnesse our hands,*

Francis Prujean *President of the Coll. of Physicians in* London.
Thomas Nurse, *M. D.*
Hen. Boon, *Chirurgion.*

London 30. May, 1651.

WE whose names are hereunto subscribed, doe certifie, That about the month of June *last*, 1650. *Upon the scandalous report published of* Thomas Ivie, *Esq. who lately before had Married* Theodosia, *Daughter of* John Stephins, *Esq. that he had the foul Disease of the Pox, and had given it unto his Wife, That at the request of the said Mr.* Ivie, *by Examinations and Answers given by him, and others having interest, we did finde that the said Mr.* Ivie *was cleere of the same Disease, and had no Symptom or Token thereof: Also we (upon examination of the said Mr.* Ivie) *did find him to be clear of the said Disease at that time, Witness our hands,*

Thomas Nurse, *M. D.*
Jo. Wedderburne, *M. D.*
Hen: Boon, *Chirurgion.*

London 30. May, 1651.

Besides all this, (that there might be nothing wanting to make out the integrity of my Soul, and the clearnesse of my Conscience, before all the World) I did voluntarily (for the Court compels none in these Cases to return an answer upon Oath) make this Affidavit before a Master in Chancery, and at the next opportunity of participating of the Sacrament, immediately before I touch'd those sacred Elements, did declare and avouch the Oath, which I had taken, to be unfeignedly true, without any Equivocation, or mental Reservation whatsoever; and did thereupon print and publish it to the World, as followeth:

Thomas Ivie *of* Malmsbury *in the County of* Wilts, *Esq. and Husband to* Theodosia Ivie, *late Widow of* George Garret, *deceased, and Daughter of* John Stepkins *Esq. deceased, maketh Oath, &c.*

HAving often with grief and anguish of mind considered those many scandals and aspersions which have been laid upon me by my owne Wife, from whom my Soul once expected as much happines, as could be hoped for in a Conjugal Estate; and finding how easie the minds of many Persons, and those of quality too, have been, not only to give an Ear, but a Faith also, to those abominable Reports, which She and her Abettors have rais'd and fomented, utterly to abolish if in their power) my Reputation, either as a Gentleman, or a Christian; both which (I trust) have been honourably preserved with much Constancy and Fidelity amongst thousands of Persons in those places where I have had long abode; lest I might be adjudged guilty in those things, which are onely private to our selves, and which cannot admit of any proofe or witnesse on either side, her personal and single Affirmation, being the onely argument to induce the world to the beliefe of so vile, and inhumane actions; I have thought it most necessary, besides these Proofes which are taken in Chancery, to vindicate my Innocency, not onely with a bare negation, but with such a one as is ratified with the solemnity of an Oath: This I doe the rather, because in these unhappy Cases between the Husband and the Wife, the Answers which are returned to the Petition, are not deposed to, as in other Proceedings in *Chancery*, neither can I content my self to stop here, but am willing to give the highest satisfaction that a Christian can expect on Earth, and shall therefore choose such a time as the receiving of the most precious Body and Blood of my Saviour, Jesus Christ (of which with all humility this day, having strictly examined my owne heart, I intend to participate) as to declare my Innocency thereupon to those principall points which are objected unto me by my Wife: Were there any other Waters of triall under the Gospel, as there was under the Law, I could most safely adventure the drinking of them to cleare my selfe before the World: But this, I hope, will give a plenary satisfaction to all Godly and Conscientious persons, who (if ever) will give Credit to the words of an afflicted Spirit, will now doe it, after such a solemn sort.

And I doe first upon my Oath say and affirm, that I have been so far from Acting and Committing that foul Sin of Sodomy upon her Body, that I never had within my breast the least inclination or desire to so

vile

vile and abominable a thing; neither did I ever attempt to perſwade her by faire Words and Inticements, or to move her by threats, or ever uſed the leaſt force or ſtrugling with her to compaſſe any ſuch Baſe or Heathenish Deſigne, as ſhe moſt falſly and opprobriouſly charged me with.

And moreover, whereas on a certain night ſhe was neceſſitated, in preſervation of her life, as ſhe had ſuggeſted to the Lords Commiſſioners, and ſeverall others, to leap out of the Bed from me, to cry out, *Murther, Murther*; alleging, that I offer'd violence unto her by pinching, beating, and ſtriking: Now I do proteſt and depoſe before Almighty God, that this was done without any ſuch provocation, even in the leaſt meaſure; Nay, at the ſame time, while ſhe was attempting to leave my houſe, and running to her Fathers, I us'd all the friendly and kind Perſwaſions which I could expreſſe to detain her, and onely holding her by the arm, without the leaſt hurt as I believe, I often repeated my hearty Sollicitations unto her to remain with me: But I do really believe, upon the conſideration of ſeverall Circumſtances and Paſſages ſince that time, that both her Out-cry, and her Subſequent Behaviour was deſign'd before that night. If any thing at that time might be look'd on as a ſhadow to juſtifie her proceedings, it was this, That a little before ſhe leap'd out of the Bed (amongſt other Diſcourſes) I intimated a Diſlike of her Carriage, which was obſerved by others, towards one who pretended to be her Phyſician; This, and this only, was all the Cauſe and Occaſion (if this be any) of her forſaking me at that time. And for all other times whatſoever, I do affirm upon Oath, that I never gave her the leaſt ſtroake in my life, or ever did ſo much as pinch her in Jeſt, to the beſt of my Remembrance, or did ever directly or indirectly, let fall from my mouth any kinds of Threats whatſoever.

And I do further ſwear, That untill ſuch time as ſhe exhibited that foul and ſcandalous Petition to the Lords Commiſſioners, that I lov'd her unfeignedly, reſpected and eſteemed her above all Creatures in the World, and as I laid down my *Fortune* at her feet when I firſt married her, ſo would I have laid down my *Life* too, for her good and preſervation. Nay, I do allege further upon my Oath, that notwithſtanding that ſcandalous and falſe Petition exhibited againſt me in purſuance of her malicious deſignes, ſhe had examined Witneſſes to defame me; yet out of Chriſtian and tender Conſideration of the Relation wherein I ſtood towards her, as a Husband, I was willing from my heart, and did endeavour (by the ſeverall meanes of Perſons of

Quality, allied both to my Self and Her) to compose all differences, that We might for the future Cohabit together in Peace and Content, and not to regard any Aspersions which she and all her Witnesses, being there examined, had cast upon me, not to retaliate in the least measure, still deferring the Examination of my Witnesses against her, and attending whether it would please the Lord to give her a sight of the Error of her way, and to returne her home to her Husband, who was most willing to receive her.

As to that Aspersion cast upon me, That I committed folly with her Servant *Jane Gillert*, though I need not say much to it, the Maid her selfe, and other credible Witnesses having clear'd me in that point, both in Court, and on her Death-Bed; and convinced the World of the horrid and unheard-of Practices of her and her Abbettors, in abusing and exposing the body of the said *Jane* to the View and Search of severall men, and suborning her to give in Testimony against me; yet that the World may know the Integrity of my Soul in this also, I do further swear, That I never entertain'd within me the least thought of corrupting her Chastity, or did ever commit any unlawfull or dishoneſt action with her, from the time I knew her to this day.

And lastly, whereas I am charged by my Wife to have suborn'd severall Witnesses against her, and particularly one *Holdsworth*; I call the Lord to bear me Record in this also, and do upon my Oath affirm, That I did never directly or indirectly procure any Witnesses against her, to testifie farther than the truth of the thing, what he or she would knowingly and safely, without breach of Faith or good Conscience, Depose.

True it is, that *Holdsworth* being imployed as a Bailiff to arrest me at the Suite of my Wifes Taylor, for a considerable summe of money, which she her self was indebted for, and behaving himself civilly towards me, I gave him five shillings, and for no other end or purpose; And upon my Oath, I protest, that I never had any such Communication or Discourse with the said *Holdsworth*, to any such intent or purpose, as he hath most maliciously deposed against me.

Thomas Ivie. *Sworn August 4th 1652.*
Thomas Benet.

We whose Names are hereunto subscribed, doe Certifie that this is a true Copy of the Oath, which Mr. Thomas Ivie *did take before Doctor* Benet, *a Master in Chancery, which also he avouched to be truth before and after his receiving of the Sacrament, which he received since his*

last

last dangerous sickness: As Witnesse our hands the 6th. of August, 1652.

Nic. Bernard, *Doctor of Divinity.*
John Baber, *Doctor of Physick.*

Thus much, (and I think more cannot be expected or done by a man) was offered for my personal Vindication, and that it may be visible unto your Highnesse, with what Persons I have dealt withall: I shall summarily recite the heads of those Proofs, which were made concerning this Wife who begg'd *Alimony*, and shew your Highnesse the blazing Star, which enlighten'd her in these destructive ways to both our ruines (I meane her Aunt *Williamson*) concerning whom, 'twas sworn,

That Mrs. *Williamson* did ever abuse Mr. *Ivie*, and was an Incendiary between him and his Wife, and the chief Causer and Promoter of the Differences and Breaches between them, *l. A. f. C. f. 79. l. C. f. 18 f. 19. 27, 38.*

That Mrs. *Williamson* perswaded Mrs. *Ivie* not to go into the Country with her Husband, *l. B. f. 60.*

That Mrs. *Williamson* severall times spoke scandalous, opprobrious, and disdainfull speeches (against Mr. *Ivie*) to his Wife, *l. A. f. 51. l. B. f. 12.*

That Mrs. *Williamson* said Mr. *Ivie* had the Pox, and had given his Wife the Pox, *l. A. f. 52. l. 3. f. 13, 14.*

That Mrs. *Williamson* reported that Mr. *Ivie* had bugger'd his Wife, *l. A. f. 52.*

That Mrs. *Williamson* reported, that he had got *Jane Gilbert* (his Wifes Servant) with Child, *ib.*

That Mrs. *Williamson* told Mr. *Ivie* (who by reason of her ill name had forbid his Wife to keep her company) that she would keep his Wife company in spight of his teeth, *l. A. f. 60. 59.*

That Mrs. *Williamson* told Mrs. *Ivie*, that if she would seperate from her Husband, she would enforce *Alimony* from her Husband for her, *l. A. f. 61.*

That Mrs. *Williamson* told Mrs. *Ivie*, that when she was separated from her Husband, they would live together, *l. A. f. 62.*

That Mrs. *Williamson* brought to Mrs. *Ivie*, a lock of *Snellings* hair, *l. B. fol. 27.* of which she made a bracelet, set it with Ribbans, and wore it on her wrist, *l. C. f. 29.*

That Mrs. *Williamson* bid her wear it next her heart, *l. B. f. 30.*

That Mrs. *Williamson* encouraged Mrs. *Ivie* to give her Husband base

language, *l.C f* 31. and told her, she did well therein, *l. C. f.* 32.

That Mrs. *Ivie* relating, how she had given her Husband ill words, Mrs. *Williamson* ranne unto her, and told her 'twas well done, *l.C.f.*33.

That Mrs. *Williamson* received the Goods which were embezelled from Mr. *Ivie* by his Wife, *l.B.f.*40.

That Mrs. *Williamson* solicited Mrs. *Ivie* to let *Snelling* lie downe with her on a bed, (and when she had effected it) went out of the chamber, and left Mr. *Wheatly* to keep the doore, *l.C.f.*43,44,45.

That Mrs *Williamson* encouraged Mrs. *Ivie* not to give any Accounts of moneys which she had received from her Husband, telling her, what was her Husbands, was her owne, and why should she account for her owne. *l.C.f.*58. *l A.f.*61.

That Mrs. *Williamson* lived in a house of ill fame in a little blind Alley, *l.C.f.*72.

That Mrs. *Williamson* seldom lives with her own Husband, *l.C.f.*79.

That Mrs. *Williamson* made *Snelling* a Favourite of Mrs. *Ivies*; and that she not onely perswaded Mrs. *Ivie*, but cry'd out unto her to lie down on bed with the said *Snelling*, *l.C.f.* 80.

That Mrs. *Williamson* called Mr. *Ivie* Clown, and Fool, and advised Mrs. *Ivie* not to go with him into the Countrey, *l. C. f.*13. And that he was an ugly fellow, *l C.f.* 20.

That Mrs. *Williamson* carried Letters for Mrs. *Ivie* to her Gallants, *l.C f.*16.

That Mrs. *Williamson* said, she hated Mr. *Ivie*'s child, because 'twas his, *l.C.f.* 21.

That Mrs. *Williamson* brought Mr. *Snelling* to Mr. *Ivies* house, after he had forbid him, *l.C.f.*21.

That Mrs. *Williamson* (the very next day after Mr. *Ivie* married his said Wife) made horns and mouths at him behind his back, *l.C.f.*21.

That Mrs. *Williamson* reported, that M. *Ivie* had a whore, and it being replyed, that 'twas hard to prove any such thing; she answered, that she would hire a whore to lie with him, and take him in the fact, and so obtain *Alimony* for Mrs. *Ivie*, *l.C.f.* 26.38.

That when Mrs. *Ivie* said she should love her Husband very well; Mrs. *Williamson* replyed, that if she should love her Husband so well, they should be all undone, *l.C.f.*26.

That a Fortune-woman looking in Mrs. *Ivies* hand, and telling her, that she and her Husband should live long together, immediately thereupon Mrs. *Williamson* wish'd her hang'd for her newes, *l.C.f.* 25.

That Mrs. *Ivie* telling Mrs. *Williamson*, that her Husband gave her so

good

good words, that she knew not what to do, (meaning whether she should proceed in the plot against him) at which Mrs. *Williamson* answered, *Hang him Rogue, Damn him Rogue, l.A.f.52.*

How horrid the actions of this Person have been, in some measure is laid open; But how contagious the conversation (of this monstrous and unchristian wretch) is, will be too sadly and experimentally demonstrated by these following Depositions concerning my Wife and her self; about whom 'twas sworn,

That notwithstanding the great Estate I had setled upon her, and the vast summs of money I had expended for her use and ornament, which any one would thinke, (had been enough to have purchased a common Gratitude and Civility to a Husband) she immediately after our Marriage slighted me to my face, never returned, in the least measure, any reciprocal affection, *l.A.f.39.*

1. That immediately after our marriage, she held correspondency with Sir *William Killigrews* Son, under the name of *Ornaldo*, called her self *Callis*, *l.C.f.15.*

2. That the said *Killigrew* confessed upon his own Oath four Letters he had sent her, and alwayes writ himself *Ornaldo*, and her *Callis*, *Kill.* own Deposit.

3. That she admitted both Sir *William Killigrew* and his Sonne her Corrivals; and that young *Killigrew* threatned to kill his Father, and her Husband also, *l.C.f.51.*

4. That Sir *William Killigrew* chid Mrs. *Williamson* for suffering his Son to be so familiar with Mrs. *Ivie*, *l.C.f.15.*

5. That Mrs. *Ivie* (under the name of *Callis*) promised to *Ornaldo* a Courtesie, *l.C.f.15.*

6. That Mrs *Williamson* was used to carry Letters between them, *l.C.f.16.*

7. That if Mr. *Ivie* did carry her into the Country without her consent, *Ornaldo* would Pistol him, *l.C.f.16.*

8. That she received Letters, and held Correspondency with one Mr. *Snelling*, whom Mr. *Ivie* had forbid his Wifes Company and house, and forbad her likewise to receive him, *l.C.f.15.*

9. That Mrs. *Williamson* brought in Mr. *Snelling* to Mr. *Ivies* house, (after that he had forbad them both) and Mrs. *Ivie* received them, *l.C.f.21.f.18.l.B.79.*

10. That Mrs. *Ivie* went abroad after her Husband was in bed, to meet with *Snelling* at Mrs. *Williamsons* house; and both Mr. *Snelling*, and Mrs. *Williamson* brought her home to her Husbands door, which was about 12 a clock at night, *l.C.f.27.*

11. That

11. That Mrs. *Ivie* going out of her Bed-chamber after Mr. *Ivie* was in bed, and being asked by him, whither she was going? replyed, that she was retiring to her devotion, but went to Mrs. *Williamson*, *l. C. f.* 25.

12. That she was with Mrs. *Williamson* and *Snelling*, (who lay there by the name of *Clerk*) a whole day, at the Sugar-Loaf in *Long-Acre*, (a suspected house) *l. C. f.* 11. *l. C. f.* 25.

13. That she was frequently conversant with *Snelling*, *l. C. f.* 74. *f.* 22.

14. That Mrs. *Ivie* met with *Snelling* at a Cooks house of ill report in a blind Alley in St. *Martins* Lane, *l. C. f.* 76.

15. That Mrs. *Ivie* lodged and abode there, out of her Husbands house, many dayes and nights together, *l. C. f.* 72.

16. That she refused to returne to her Husband, when he sent for her, *l. C. f.* 73.

17. That she being asked by her Husband at any time (when she returned home) where she had been, refused to answer, *l. C. f.* 77.

18. That *Snelling* had spent a 1000 l. on Mrs. *Ivie*, and Mrs. *Williamson*, *B. f.* 26.

19. That *Snelling* came up into Mr. *Ivies* Bed-Chamber with a Pistol in his Pocket, and questioned him (before his Wife) for forbidding him his House, *l. C. f.* 23.

That *Snelling* would defend her with Pen and Sword, *l. C. f.* 23.

20. That *Snelling* came often to Mr. *Ivie*, when her Husband was out of Town, *l. C. f.* 22.

21. That *Snelling* was frequently private with her in her Bed-Chamber, *l. C. f.* 23.

22. That she lay out of her House (when her Husband was out of Town) *l. A. f.* 40.

23. That when her Husband was out of Town, she made a great Feast for Mr. *Snelling*, Mrs. *Williamson*, Mrs. *Wheatly*, Mrs. *Nowell*; All three notoriously known to be——— *l. A. f.* 42. At this time the Plot for *Alitheia*, and the practices upon *Jane Gilbert* (which cost her, her life) were in probability contrived.

24. That Mrs. *Ivie* sent to *Lilly*, who (amongst other things) returned this *Caution* to beware of two Women, describing Mrs. *Williamson*, and her Companion Mrs. *Wheatly*, *l. A. f.* 57.

25. That she often sent to *Fortune-Tellers*, and particularly to one Mrs. *Nowell* aforesaid (lately Cook maid to my Lady *Conny*) *l. A. f.* 58. *l. C. f.* 33, 34, 35.

All that she enquired of these Wizards, was to know how long I should live.

26. That

26. That when Mrs. *Ivie* was ſeparated from her Husband, then ſhe and Mrs. *Williamſon* would live together, *l. A. f.* 62.

27. That Mrs. *Ivie* her ſelf laid Copperis in the Window, and gave out in ſpeeches that her Husband had laid Poyſon there, *l. A. f.* 53.

28. That her Chirurgion, (being asked how ſhe did, after he had viſited her) ſaid that her hair came off, and ſhook his head; And that he had made her an Iſſue, *l. A. f.* 62. 63.

This was above ſix moneths after ſhe had left me.

29. That ſhe immodeſtly ſaid before two, *viz. Snelling* and *Killigrew*, that her firſt Husband had done the part of a man, twelve times the marriage night, but that this Husband had done but eight.

30. That ſhe was too familiar with her own Father, his hands were ſeen under her Coats, *l. C. f.* 18.

31. That Mrs. *Ivies* Father was often in bed with her, *l. C. f.* 20.

32. That ſhe gave 100 l. to her Brother, and promiſed to keep his Wife, in caſe he would murder her Husband; and procured from the *Council of State* a Paſſe to carry him beyond Seas, after the murder was executed.

This was proved in the upper Bench the Term, before my Lord Chief Juſtice *Roles*; and ſhe was bound over to the good Behaviour: The Paſſe was there produced, and is now in my Cuſtody.

Beſides theſe ſhort intimations, many foul and horrid ſtories (could I have produced) of Deſignes for my Deſtruction: but becauſe I was not able to make out clear and evident proofs of them, I was unwilling either to trouble the Court, or diſturb my own Thoughts, with any thing leſſe than Realties and Demonſtrations.

One Hiſtory, or rather a Diſmal *Tragedy*, acted by my Wife, Mrs. *Williamſon*, and their conſpiracy, was with all its Circumſtances, ſo clearly delineated in the Depoſitions, that I ſhould wrong my Cauſe ſhould I not relate this alſo: and perhaps few *Romances* or *Guſman* himſelf can parallel it.

It being reſolved at the Feaſt, (which was held at my houſe, when I was in the Country) by my Wife, Mrs. *Williamſon*, Mrs. *Wheatly*, and Mrs. *Nowells* (being the Perſons) for whom that Treatment was provided, That though the Scandals of *Sodome* were ſufficiently high, which had been divulged againſt me; and would render me odious to the World: Yet ſeeing 'twas but a matter of *Fact* between us two in private, which could not be proved more, than by her ſingle affirmation; and that her own Midwife (having ſearch'd her for that very

purpose) had so streight a Conscience, that she would not swear, that my Wife had been injured in those parts; Did thereupon conclude, that some other way must be found out, which might admit of *Testimonies*; otherwise, they suspected, my Wife could hardly obtain *Alimony*, or procure a *separation* from me.

Hereupon it seems, This Plot was afterwards put in execution upon *Jane Gilbert*: Its proved, *l.C.f.* 115.

This Wench they picht upon to be the Instrument of their Design, because she being actually a Servant in my House, it might be thought very easie for me to find an opportunity to lie with her; and being also of a sickly disposition, it would be no difficult thing to raise a suspition, that she might possibly be with Child, especially, being not well recovered of the Dreggs of the small Pox, which she had had a little before.

Hereupon Mrs. *Williamson* (that she might the better colour her Intention privately) carried this Maids water unto one, whom they call *Trigg*, a Shoo-maker (as I have heard) by Trade, and enquired of him, whether the Party that made this water, were not with Child?

Trigg (having good Instructions, and doubtless a large Fee) Ordered Mrs. *Williamson* to bring the said *Jane Gilbert* unto him, and he would search her.

At her return home to my Wife, there was a new consult, how they might carry the Maid to *Trigg*, and make her willing to be search'd? leave that to me (said my Wife) and immediatly went unto *Jane Gilbert*, and said, *Jenny*, my Father hath sent for my Aunt *Williamson* and me to Breakfast to morrow morning, and hath commanded me to bring thee with us, because he hath provided a Dish of *Milk and Eggs*, that which he knowes thou doest dearely love: The Maid (little suspecting any mischief, couch'd under this pretended Kindness) thank'd her Mistress; but by reason of the many cloaths she had to steel and starch against the morrow, (being *Sabbath-day*) was willing to be excused: Nay *Jenny*, replyed my wife, you must and shall go; for I know my Father will be angry, if we bring you not.

So a Coach being call'd, my Wife, Mrs. *Williamson*, and the Maid went to Mr. *Stepkins* house, but neither found him, nor the *Milk and Eggs*: Ah, quoth Mrs. *Williamson*, are we serv'd so? wee'l make a mornings work of it, now we are out; me-thinks I have a rumbling in my Guts, pray let's go to Doctor *Trigg*; Agreed, said my Wife; And as they were passing from Mr. *Stepkins* to *Triggs* house, my Wife and Mrs. *Williamson* (being very frolick) began to jest with the said *Jane*

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Gilbert, and perſwaded her to make *Trigg* believe, ſhe was a new married Woman, and ſo that would put a Trick upon the Doctor his skill.

After they were all arrived in the Doctors preſence, Mrs. *Williamſon* made a private addreſs unto him, and pretended to have acquainted him with the pain in her Guts. But having ended her Tale in private, What think you, ſaid ſhe, of yonder new married Wife? *Trigg* (having felt her pulſe, and bid her ſpit once or twice) told her, ſhe was *Splenetick*; Like enough that, quoth Mrs. *Williamſon*; But is ſhe not breeding Doctor? Yes, I warrant you, ſaid he; ſo the wench turning about, and ſmiling, was bid go out by Mrs. *Williamſon*, (that ſhe and her Miſtreſs might have ſome private Diſcourſe with *Trigg*, about the Drink which they had given her) which ſhe did accordingly, whilſt her Miſtreſs, Mrs. *Williamſon* and *Trigg* held a long Conference together; when this *Scene* was over, All returned home.

About three or four dayes after, the ſaid *Jane Gilbert* having been promiſed leave by my Wife to go viſit her friends in the Country, for the Recovery of her health, my Wife took her into a Chamber, and ſaid, Ah *Jenny*, But I have ſomewhat more to tell you, (and thereupon ſhut the Chamber door, none being preſent but them two, and Mrs. *Williamſon*,) 'Tis commonly reported, *Jenny*, quoth my Wife, that you are with child, and 'tis my deſire to have it cleer'd: Tuſh, ſaid Mrs. *Williamſon*, if it be ſo I warrant you 'tis by the Beſt in the houſe; (meaning my ſelf) Let us know it, for we can, and will conceal it, and ſo diſpoſe things, that it ſhall never be a diſcredit, or diſgrace unto her; Nay, if ſhe will confeſs that ſhe was with Child, they would provide for her; But, ſaid they, if you will refuſe to let us know it, and go into the Country, we will Report, that you are gone to take ſome Phyſick to deſtroy the Child.

The Maid now conſidering what ſnare they had brought her into, by going to *Trigg*, (as aforeſaid) being perſwaded to act the part of a new married woman, was aſtoniſhed at this Surprizal, and cryed out, The Lord protect me, for I am very innocent from any ſuch thing; and with all my heart, ſaid ſhe, will I do any thing, that may give you ſatisfaction, or clear my ſelf from the Scandal.

Look here, ſaid my Wife to her, my Father hath ſent me a Letter, where he ſays, That Doctor *Trigg* ſayes that you are certainly with Child; and if you will not confeſſe, you muſt be whipped in *Bridewell*.

As they were thus Diſcourſing, (often intimating that 'twas their

Deſigne to make this Maid confeſs her ſelf with Child by me) in came Mrs. *Seſſions*, my Wifes Midwife, whom ſhe perſwaded to ſearch *Jane Gilbert*, which ſhe willingly ſubmitted unto; and the midwife (in their preſence) acquitted her from being with Child.

Hereupon, my Wife commanding ſome tears from her Eyes, wept paſſionately (as ſhe ſeemed) and breaking into great Paſſion, ſaid, Ah *Ienny*, have I loved and entertained thee thus long, been as kind to thee, and as tender of thy good, as if thou wert my own Child, and canſt thou conceal any thing from me? Doubtleſs thou art with Child: and therefore come, put on your mask, for you ſhall once more to Doctor *Trigg*, who underſtands theſe things better than any midwife; and he will prove you to be with Child: And that you may not think I have any Plot upon you, [that Objection was very ſtrong within her] put on your mask, (that the Doctor may not know your face again) and fetch your Water; and Mrs. *Seſſions* ſhall go with you.

The Maid being perplexed in mind, and far from any of her Friends, knew not what to do in this condition: But being urged by her Miſtreſſe went again with the Midwife.

After the Midwife had given *Trigg* her Water, and diſcourſt with him privately; He called to *Jane Gilbert*, and bid her go up ſtairs with him: But the poor Wench [not knowing which to prefer, her *Modeſty* or *Innocency*] refuſed to go with him; until at length [being clamour'd at, and abſolutely forced up to his Chamber] ſhe was neceſſitated to follow him: Where *Trigg* began to acquaint her, that her miſtreſſe Mrs. *Ivie* had told him, that ſhe had been too familiar with her Maſter, and therefore he muſt ſearch her: And did thereupon [in amoſt rude and violent manner] force his hands under her Coats, to her naked Body; and did uſe her in a moſt abominable way, &c.

And when he had effected his buſineſſe, he told the Midwife that ſhe was with Child; though the Maid abſolutely and earneſtly denyed the ſame.

Hereupon they left *Trigg*, and returned to my Wife, who having heard the Relation from Mrs. *Seſſions*, what had been done [being totally unſatisfied] cauſed her to be carried to another Phyſician, Dr. *Hinchley*, and ſhewed him the Water; and deſired him alſo to ſearch her in like manner: But his *Verdict* was unlike that of the [*Mountebanck*] *Trigg*; for he peremptorily avouch'd ſhe was not with Child.

Notwithſtanding all this could not ſatisfie the aim of my Wife, and

and Mrs. *Williamson*: But once more she must expose her nakedness to the search of another Doctor, a Man-midwife, Dr. *Hinton*, who in like manner, as Dr. *Hinchly* [notwithstanding Mrs. *Williamson* and my Wife did earnestly sollicite him to attest that she was with Child] acquitted her from being with Child; and would justifie her to be a Virgin.

These two *Testimonies* did no way forward their Designe; for by this means, all the pains in Threatnings and Perswasions [to acknowledge her self with Child by me] began to be undervalued, by how much the more the said *Iane Gilbert* had beene acquitted by the two Doctors and Midwife, and accused only by that *ignorant Quack Trigg*.

And therefore seeing the Wench was so obstinate that she would not comply with them, [and lest at my return she might discover this unto me] a new Project was set on foot, so to terrifie the Wench, that she might leave *London* immediately.

And thereupon they came unto her, and told her, that Mr. *Stepkins*, my Wifes Father, would do her a notorious *Mischief* if she would not acknowledge her self with Child: Mrs. *Williamson* advis'd the Maid to go for a while into the Country, untill Mr. *Stepkins* his anger was over.

Upon this account she was sent away to her Fathers house in *Hertfordshire*, where immediately after her arrivall, she received a Letter from my Wife; that her Father *Stepkins* was so incensed against her, that he would not suffer her any longer to live with my Wife.

Notwithstanding the great love she bore, she would not leave her destitute of a service, but would provide a convenient place for her.

Scarce eight days had passed, but down comes Mrs. *Williamson* to her [pretending she had been at *Cambridge*] and came out of her way on purpose to see her; Though 'twas evident she came directly from *London*, to the said *Jane Gilbert*.

Insomuch that the Maid suspected some farther ill towards her; [having been formerly so abused] But parling together, about former Passages, The Maid asked Mrs. *Williamson*; what ill she had deserved from her Mistresse, that she should be so disgraced, as she had been; and though she found her guiltlesse, she should now be put away? Well, quoth the Maid, by Gods help, I will be to morrow in *London*, and will endeavour to right my self from these Aspersions.

Whereupon she found the end of Mr. *Williamsons* Journey [was to hinder the Maid from comming to *London*] [because I was the day

befor

before arrived out of the Countrey) left she should see me, and discover what had been done unto her: in order to make her confesse that I lay with her, and that she was with Child by me.

Mrs. *Williamson* now perceiving, that the said *Jane Gilbert* was resolved to make a stir in this foul businesse, returned with all speed to my Wife; and wished her to think of a way, how to hinder her from speaking with me.

The next Day (as soon as the said *Jane Gilbert* came to my house) my Wife met her at the Door, and giving her many good words, perswaded her to take a Lodging near that place, (and change her name) and that she would pay for it.

The Maid (very much troubled at this usage) was very pressing to know what offence she had ever given her; Truly, quoth my Wife, Sweet *Jenny*, I love thee most dearly; But the Truth of all is, my Husband and his friends give out, that 'tis unfit for me to keep a Gentlewoman to wait upon me, besides common Servants; and that 'twas their envy towards her, and therefore she must be gone: but withall assur'd her, that she would provide a convenient place for her.

My Wife now thought, that she had (by this Trick) made the Maid believe me to be the sole cause of her turning away, and sufficiently exasperated her against me; yet did not dispair of a complyance from her, and therefore said, For my part, I am content you stay this night, (that she might farther try her) and to morrow thou shalt have another Lodging look'd out for thee.

But my Wife understanding the next morning, that I began to parle with the Maid about the passages aforesaid, (which in deed were communicated to me in the Country) knockt very furiously for her to come up into her Chamber; and commanded her immediately to leave the house, and would not suffer her to speak any more to me.

Whereupon she went to one Mr. *Prices* house, a Brother of one of her fellow servants, and lay there privately, (as she thought) but 'twas made known to my Wife; who immediately sent a Maid to sound of what temper she was, and how she stood affected towards her: and it being return'd, that she was full of Disdain and Passion, by reason of the aforesaid practices against her; and that she would forthwith send for her Trunks, they were immediately seized upon by my Wife, and loeked up in her Closet.

Notwithstanding, upon this Report, the maid did not send, but came her self to demand her Trunks; and I seeing of her in the house,

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began to ask again, why she went away, and upon what occasion that Searching of her (by men, and women) were? But her Mistress calling her Queane for acquainting me with it, and threatning to strike her for it, denyed her the Trunks, and caused her forthwith to be sent away: And the very next Day Mrs. *Williamson* and my Wife gave out in Speeches, (amongst my Family, and Neighbours) that they had broke open the Trunks, and had found that she had been a Baggage, and a notorious Thief, and stollen her Goods.

And thereupon (the better to secure the Wench, either for complaining of these Abuses, or telling me the Truth of her Usage) they procured a Warrant from my Lord Chief Justice *Roles* to apprehend the Maid for her Life, (having charged her with Felony.) But finding that the Maid kept in, and that by vertue of the said Warrant, they could not enter any house to take her forth, they entered into a new Project, how the Wench might be secured (both Tongue and Person) and also, that they might seize on her, wheresoever she was.

To this end, Mr. *Pauncefoot* was look'd on as a fit Instrument (having Relation to the *Lord President Bradshaw*) and was desired to procure them a Warrant from the *Council of State*, upon pretence, that this poor Wench held Correspondency (with the Enemies of the Commonwealth) beyond Seas, and so apprehend her; By vertue of which Warrant she was seized on accordingly; and kept Close Prisoner 18 days together with great hardships.

During this Imprisonment, a Gentleman came to this Wench from my Wife, advising her to humble her self to her Mistress, and to confess her self Guilty, and much to that purpose, but she (being innocent) utterly refused any such Acknowledgement.

During this Imprisonment, many Petitions (for to be heard at the Council) did she attempt to present, but were still kept off by the means of the said *Pauncefoot*, neither could she ever be heard.

At length my Wife and Mrs. *Williamson* finding nothing could prevail (after sorrow and grief (in this lamentable condition) had almost killed her, they had contrived a meeting for the Wench (by the permission of her Keeper) in *Moor-fields*; where, as soon as my Wife saw her, she fell into a deep fit of weeping to the Wench, and told her how dearly she loved her, and that she was in perfect friendship with her, and earnestly desired that all things (which had passed) might be forgotten; promising withall, (that in a very short time) she would abundantly expresse, how sensible she had been of her late Sufferings.

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Hereupon my Wife, without ever acquainting or procuring their Order for her freedom, (only giving the Messenger of the Council of State 20 l.) caused the Maid by her own Power (by which it seems she stood commited) to be set at liberty.

But very suddenly after enlargement (her body being quite spent, and her mind almost distracted with grief and melancholy) She died; and in her Death bed professed solemnly (that by reason of those Cruelties, which had been practised upon her, by Mrs. *Williamson*, and Mrs. *Ivie*; and especially by the operation of a Potion given her by them, (which upon the words of a dying woman) she believed to be poyson) That they had been the cause of her death; and that she doubted not but that the Almighty God would require her Blood at their hands.

After these things were laid open to the Lords Commissioners for the great Seal; I little expected that Vices should be received for Reasons; that such abominations should have been thought worthy the protection, not to say the encouragement of such eminent Judges; but with grief of heart, and empty Purse, may I say, that I found experimentally there Chancery rather a Court of oppression, than good Conscience; nay, I have this peculiar in my Case (that after all Witnesses on both sides were examined) they never afforded me that favour (which they omitted to none) as to command me and my Wife in Person to attend them, and to endeavour a Reconciliation between us.

This I thought hard measure, because I was informed all others had participated of that Civility from them; and the more hard, in regard my Wife had frequent and private addresses unto them, and I was never admitted any.

The consideration of this, not only astonished me, but gave me a strong Alarm also to be very Circumspect, lest I might have as little Justice in their Sentence, as I had favour in their proceedings.

And that on the other side, when I remembred, they openly declared before my Council, that nothing should be concluded without sending for both parties; and also their parties; and also their Order of the 27 of *October* 1651. that they had denied her any expences of the Sute, in regard the merits of the Cause should be speedily heard; I could not conclude within my self, but that I should be dealt withal according to their own Rules, and practice of all the of *England*; and that a Summons (upon a day of hearing should be first sent)

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ere any Sentence pronounced, or Decree made in the Cause.

But what I often suspected, and was intimated unto me by others, I had now too much reason to believe.

For after eight moneths (having all that while never received any command to wait upon their Lordships) when all my Counsel was out of Town, *July* 24. 1652: (Her Counsel Mr. *Vincent*, and Lieut. Col. *Zanchey*, her Sollicitor, with a sword by his side) presented unto the Lords Commissioners a final Decree ready drawn; (it not being first perused by Counsel of my side, as by the Rules of the Court it ought to have been) for no lesse than 300 l. *per annum*, a fair sum, and enough to tempt a good Woman to be bad:) The Draught of the Order is thus.

Lords Commissioners. Saturday 24 of July 1652. Between *Theodosia Ivie* Plaintiff, and *Thomas Ivie* her Husband, Defendant.

WHereas the Plaintiff having exhibited her Petition (against the Defendant her Husband) to be relieved for Alimony, *unto which the Defendant having put in his Answer, divers Witnesses were examined by Commission, and others were (by their Lordships directions) also examined by the Register, in the presence of Counsel on both sides; And for the better cleering of the Matters, and Satisfaction of their Lordships therein, their Lordships were also pleased themselves to examine several Witnesses,* viva voce; *And the Cause having taken up many dayes in hearing, (after much Debate and Pains spent herein; And upon full and deliberate hearing of what could be offered on both sides: And upon reading of the said Depositions, and of the Indenture made upon the Marriage; whereby the Estate of the Plaintiffs Father, is setled upon Sir* John Brampston, *Knight, and* William Booth, *Esquire, to the uses in the said Indenture declared:) Their Lordships were fully satisfied, that there is good cause to give allowance for* Alimony *to the Plaintiff; And do Order, and Decree, that the Plaintiff have paid unto her, the summe of* 300 l. *by the year, which their Lordships intend to be had and raised, out of the Plaintiffs Fathers Estate, so setled in the said Trustees, as aforesaid, until farther Order: And do hereby Order, That the said Defendant, and the said Trustees, shall authorize, or permit and suffer the Plaintiff, or whom she shall nominate and appoint, from time to time, quietly, and without interruption, to receive the Rents and Profits of the said Lands: And the several Tenants of the premisses are hereby ordered to pay the same accordingly, from our Lady day last; And the said Trustees, and the said Tenants, in so doing, are to be saved harmless by the Decree of the Court. But in case the said Lands are in a greater yearly value than*

the ſaid 300 l. per annum, *And that the ſaid Defendant ſhall at any time ſignifie ſo much unto their Lordſhips, And undertake and ſufficiently ſecure the payment of* 300 l. per annum, *(quarterly unto the ſaid Plaintiff) by equal portions. to begin from our Lady day laſt, then the ſaid Defendant is hereby decreed to pay unto the ſaid Plaintiff, the ſaid yearly ſum of* 300 l. *accordingly, until further Order, as aforeſaid: And that the ſaid Truſtees are in ſuch Caſe to permit and ſuffer the ſaid Defendant, and his Aſſignes, to receive and enjoy the Rents and Profits of the ſaid Fathers Eſtate, (any thing herein conteined to the contrary in any wiſe notwithſtanding.)*

Rob. Dod, Deput. Regiſt.

Being advertized by a friend of theſe irregular proceedings, and perceiving what a Conſiderable part of my Eſtate was aimed at, I addreſſed my ſelf immediately with this Petition to the Lords Commiſſioners, *Auguſt* 19.

To the Right honourable, &c.

The humble Petition of *Thomas Ivie* Defendant, Husband to *Theodoſia Ivie*, Plaintiff.

Sheweth,

THat ſeveral Papers have been brought to your Petitioner. intituled as Orders from your Lordſhips, but without any ſubſcription of the Regiſter, or his Deputy.

That at the end of one of the ſaid Papers 'tis mentioned, that unleſs cauſe (at the next Privy Seal) be ſhewn to this Court to the contrary by the Defendant, That 300 l. per annum, therein mentioned, ſhall be decreed: But on what day the next Privy Seal will be, or in what place, is not expreſſed in the ſaid Paper; Neither can your Petitioner (by all poſſible means and induſtry) find when and where he may attend your Lordſhips.

Inſomuch, that your Petitioner hath juſt Ground to fear (if any ſuch Order be) either he may be ſurpriz'd, or a Decree might paſs againſt him, without his Knowledge of the time, wherein he might make his juſt Defence, eſpecially all his Papers being at preſent in the cuſtody of his Sollicitor, *Mr.* Cox, who is not in Town.

In tender Conſideration whereof, May it pleaſe your Honours to declare, whether any ſuch Order was made by the Court; and at what time and place your Lordſhips have

or

or will be pleaſed, peremptorily to appoint to hear the Defence of your Petioner, who with all humility and willingneſſe, will attend your Lordſhips; Hoping by Gods aſſiſtance, to give a full Demonſtration of his Innocency and Integrity; and to wipe off all the foul aſperſions whatſoever, which have been caſt upon him, to ruine both his Perſon and Eſtate.

And your Petitioner ſhall ever pray &c.

All the Return (that I could obtain from the Lords Commiſſioners) unto the ſaid Petition, was this; *Let Mr.* Ivie *attend us, to ſhew us Cauſe, according to the laſt Order, on Tueſday laſt.* 19th of Auguſt 1652.

B. Whitlock,
R. Keeble.
J. Liſle.

On the Tueſday following I did attend in Perſon, but without any Counſell; all being in the Circuits with the Judges: And if I could have found any, it had been almoſt impoſſible to have fully inſtructed them in the Cauſe, there being ſo many Depoſitions, and thoſe of ſo great Length.

Whereupon I renewed my humble and earneſt Requeſt unto them, with all the Vehemency I could expreſſe, That they would make no Decree, before they had heard the merits of the Cauſe on both ſides.

Notwithſtanding, I found 'twas their Reſolution to ſigne that irregular Paper, and to declare before-hand, that they had found juſt Cauſe for *Alimony*; The Preamble of the Decree being full of Reflections, and conteining ſeveral Inſinuations againſt me: all that they thought fit to add, was this Clauſe, [*Vntil further Order*] A dear Expreſſion in Chancery, and as coſtly as the other, (*Vnleſſe he ſhew Cauſe.*

Now, and not before, was the Order, (which they commonly call the Decree, having put the Great Seal unto it) delivered unto the Regiſter to enter, which firſt ought to have been drawn by him, and then peruſed by Counſel on both ſides.

Had any one but heard what ſmooth words the Lords Commiſſioners gave me at this time, Telling me, That it ſhould not be prejudicial unto me, and that they would hear my Counſel at any time, come when I would, and that 'twas but a Temporary thing, and that

they would deal tenderly with me, in ſo tender a Caſe, as between Man and Wife, one would have almoſt been perſwaded, that it had been my duty to have given my conſent alſo: But though there was Honey in their Mouths, yet was there too too much Gall in their Ink, and Wormwood in their Decree.

Had they but conſidered the Deed of Covenant which (they profeſſed) they had peruſed, 'twould have appear'd very evident, that there was no ſhadow for ſo great allowance, as 300 l. *per annum*: When her Father himſelf, and my Wife alſo made to me a Propoſition, of giving her the liberty of living where ſhe would, and ſetting out for her fit allowance, they themſelves did deſire no more but 120 l. *per annum*, *Depoſ. 1.*

Beſides of the Articles (in my cuſtody) which they cauſed to be drawn to the ſame purpoſe.

But I ſuppoſe the Lords Commiſſioners were ſo far from conſidering what they ſigned, that they never read the Deed, which they mention; nay, I think, I may ſafely ſay, They did not, or would not conſider the Act it ſelf for *Alimony*.

For that Act impowers them, to give only ſuch *Alimony*, as is proportionable to the Fortune which the Woman brought; and that alſo to be raiſed out of the Husbands Eſtate: Whereas the truth is, ſhe hath not (in all her Proofs) proved, that ſhe had been, or in probability could ever be worth a penny to me.

And as for that Eſtate, which the Lords Commiſſioners did decree unto her, 'tis true, I had an equitable Title unto it; but it really did belong to the Heir at Law, untill ſuch time as I had performed ſome ſmall Covenant.

Inſomuch that Mr. *Stepkins* his Son and Heir, alſo was injured by theſe proceedings of the Lords Commiſſioners; for which he hath often made his Complaint, as well, as his juſt Title in Law, though to little purpoſe.

I know full well, what ſhadow the Commiſſioners put on this dealing; but whether it be juſt and righteous, I ſubmit to your Breſt, and that is thus.

That although it was Covenanted between Mr. *Stepkins* and my *Truſtees*, that in caſe I did not perform all the Covenants (to which I had obliged my ſelf) then was the ſaid Eſtate of 240 l. to go to the uſe of the right Heirs of the ſaid *Stepkins*, untill ſuch time as I ſhould perform: By virtue of this Clauſe did young *Stepkins* lay claim to the ſaid Eſtate.

Yet

Yet ſay the Commiſſioners, that Mr. *Stepkins* the Father (who had reſerved unto himſelf the Remainder of the ſaid Limitation, to me and my Wife) made a Will, and by that Will had acquitted me from any further performance; inſomuch that the Eſtate was now totally belonging unto me.

This I believe my Wife told them; and peradventure ſhewed them ſuch a Will; and this is their Ground: But by their leave, I cannot think, till ſuch a Will be legally proved, That it can be any Ground for them, to give away the Eſtate in ſuch manner, as they have; upon a bare ſuggeſtion of one party, for whoſe intereſt and profit it was.

Certainly, had they been as conſcientious Judges (as they are Judges of Conſcience) they would have firſt cauſed her to prove the ſaid Will, (which then had clear'd the Eſtate from the claim of my Brother *Stepkins*, and ſaved me the expences of ſome Sutes in Chancery, for no other end than to get the Will produced, which to this day I am not able to do; Notwithſtanding I have a Bill of Complaint depending before them for that purpoſe.)

Nevertheleſſe all theſe diſcouragements, it pleaſed the Lord to give me a proportionable meaſure of Patience, to ſubmit unto his correcting hand; and in the moſt ſore Afflictions (which I have undergone) he hath not with-held his loving kindneſſes from me, nor the ſweetneſſes of his refreſhing Spirit; though many Oppreſsions and Grievances were daily multiplied, and many new Sutes at Law were ſet on foot againſt me by my Wifes means, who now ſeemed juſtified by them, and my ſelf vilified and undervalued.

Yet was I not clamorous at their Bar, neither was I ever admitted to any private Speeches with them: or indeed did ever ſeek it, (being confident) that my cauſe wanted the Protection of Juſtice only, and not Favour; but waited, ſtill expecting when they would put their good promiſe in Execution, and ſend for us, and endeavour a cordial Reconciliation between us.

But after two months were expired, and hearing nothing from them to that purpoſe (though many ſeveral Friends of Quality had moved them thereunto) I addreſs'd my ſelf with an humble petition for a hearing.

After it was read, they appointed a day (though it was ſomewhat far off) yet it did abundantly revive me, hoping that that day would be the end of my trouble; and that then, my reputation and eſtate, might be repaired; my perſon freed from the continual moleſtation

of

Catchipoles; And my Wife her self) whom I had perfectly forgiven) restored unto my Bosom.

The Order which the Lords made in Answer to my Petition, was this.

Saturday 29 *of April*, 1653.

Between *Theodosia Ivie*, Plaintiff, Wife of *Thomas Ivie*, Defendant.

Upon the Defendants humble Petition, (this day preferr'd to the Right Honourable the Lords Commissioners for the Great Seal of England) *shewing That in the unhappy difference fomented by evil persons between the said Parties; and the said Plaintiff hath Petitioned their Lordships for* Alimony, *(being separated from her Husband) without his Consent; Thereby intending to live a-part by her self (contrary to the Marriage Stipulation) to the destruction of the mutual happy Comfort, (that might, and ought to be between Parties so nearly joyned) pending with Sute; Their Lordships (as Judges of good Conscience) did often move her to Conformity and Reconcilement, chiefly desired by the said Defendant, but the Plaintiff refused, And by an Order of the* 24 *of* July *last, their Lordships were pleased to appoint her* 300 l. per annum *out of her Fathers Estate until further Order; And the said Defendant (being dayly arrested and troubled for the said Plaintiffs Debts) cannot walk the streets, without molestation, by the Officers and Bailiffs; It was prayed, That some day (as soon as to their Honours should seem meet) may be appointed to hear the Defendants Reasons, and the merits of the Cause, why the said Order should be null'd; To command the Defendant and his Wife to be personally before their Lordships at the same time; so that there might be a final Conclusion of these unhappy and unnatural Differences, under which the Defendant hath long groan'd, to his utter Ruine: Their Lordships do thereupon Order, that Counsel on both sides be heard in the Business the first day of Causes in Trinity Term next.*

John Sandford, Deput. Regist.

My Hopes and Expectations being now raised from the Dust, I considered with my self, how I might represent the Case between me and my Wife, with the least prejudice to her; for upon some debatings about the Witnesses I had examined against her, I found the Breach still made wider, by her Lawyers aggravations, than it was really in it self; what was but a scar, they would tear open into a wound; nay, they preferred a seeming *Rhetorick* so far before a *Christianity*, that rather than they would exasperate, they would speak *Point Blank*, to the very Papers they held in their hands.

And

And therefore, to prevent the like Inconveniences, and aiming at a perfect Reconciliation, I drew up all (that Counsel could be instructed in, or could offer at the Bar) into writing, and for each Commissioner had a Paper ready to be presented, as follows.

To the Right Honourable the Lords Commissioners for the Custody of the Great Seal of *England*.

WHereas the Draught of an Order was on Friday August *the* 13*th. made, and presented unto your Honours by the counsel of the Plaintiff, and Mr.* Zanchie *her Sollicitor, not entered into the Registers Book, or drawn up by him from any Notes taken in Court, or was ever perused by the Defendants Counsel before it was signed, according to the Rules of the Court; in which Order it was mentioned, that* 300l. per annum *should be raised out of the Fathers Estate, which was setled at the Marriage upon Sir* John Brampston *Knight,* Orlando Bridgman *Esq; and* William Booth, *to uses, &c. and upon the reading of it, it was Ordered by your Lordships at the same time, that unless the Defendant should shew cause at the next Privy Seal, a Decree should passe accordingly; And whereas it was ordered by another of* August *the* 19*th, That on Tuesday following the Defendant should attend, and shew cause why the said* 300l. per annum *should not be decreed; May it therefore please your Honours to consider these following Considerations, which are all proved upon Oath, and good Evidence; wherein he hopeth it is sufficiently cleared, that the Plaintiff neither ought to have any* Alimony *out of that which was her Fathers Estate, or out of her Husbands.*

Mrs. *Ivie*, the Wife of *Thomas Ivie* suggesteth by her Petition to the Lords Commissioners, That her Husband hath deserted her, and left her no means to live; That during her Cohabitation with him, she was in danger of her life, and became very weak, and for perill of receiving from him diseases of dangerous consequence, she cannot Cohabite with him, and prayes relief.

The Question is, whether in this Case she ought to have *Alimony*.

In which it will be pertinent, to consider the near conjunction that is between Man and Wife, and whether they be of equall Authority, or there be a Superiour, and in whom that Superiority resteth.

1. The Original female Ancestor was taken out of Man, and by the Marriage-Bond were made one flesh, though several individuals, like the Celestial *Gemini*, that makes but one Constellation; but the Government

vernment was placed upon the man by God himself, who gave the Law in Paradise, saying, Thy desire shall be to thy Husband, and he shall rule over thee, *Gen.* 3. *v.* 16. 1 *Cor.* 14. 5. 34. and by the Apostle remembred, That Women are commanded to be under obedience; so saith the Law; and that they submit themselves unto their Husbands, as to the Lord that is supreme; 5. *Eph. v.* 22. Thus far for the *Divine Law.*

2. The common Law says, that a Woman that is married is not *sui Juris*, but *sub potestate Viri*, hath no will but her Husbands, though she may have a Stomach; therefore the Civil acts she does are void in common Law; she can neither take nor give any thing without her Husbands consent; she can have no reparation for any wrong done unto her Person by her self, without her Husband, and the dammages that shall be recovered, shall go to the Husband, and not to the Wife. And it is further to be considered the extension of that word *Potestas*, It is of a great latitude, for Soveraign Princes and Governours, though they have rule and power of the People; Yet they cannot beat wound, or kill the People under them, nor doe any thing to their persons corporally; but according to their Laws, by Sentence or Judgement: But the Husband hath power of Correction upon the body of his Wife, and Servant, according to his own Judgement, so as he doth not wound nor kill, and is not prohibited by any Law.

3. The Civill Law (as I take) it agrees with the Common Law; then it must follow by necessary consequence, that a married Woman without leave cannot depart from her Husband, which she must evidence by proof, no more than a Servant from his Masters, a Subject from his Soveraign into forreign parts, who by his Missives is to return upon forfeit of his Estate; which makes good what was said before, that she i not *sui Ju is*, and in some sort expounds and explicates the *potestaten Viri in Vx rem*; for the master may seize and carry away his Servant, if he find him, or implead him that shall keep him, and recover damages for the time he keeps him; so may the Husband by his Wife; which shews the propriety and interest which the Husband hath in his Wife, and for losse of her society and company, (though no other harm be done) he shall recover damages against the detainer.

Nay the Husband could not repudiate his Wife, but in case of Adultery, for that the Bill of divorce spoken of in the old Law, was not given by God, but permitted by *Moses*, to prevent a greater mischief; for the *Jews* are cruel men to their Wives, and to prevent

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Vxoricidium, he gave way to it; *Sed non fuit sic ab initio.*

The Case thus stated upon the impotencies and non-ability of the will of the Wife, and the just Rule and Power of the Husband over her will and person; tis considerable, whether by Law or Reason, a Wife departing without leave, shall have allowance to live separate, which is called *Alimony*.

Alimony is a Thing not known at the Common or Civil Law, but indulged, and brought in by the Pope and his Canons, and very much put in Use by the late High Commission and Prerogative Court of *Canterbury*, wherein, upon Sentence of Separation from Bed and Board given by that Court, the Husband was enjoyned to make allowance to the Wife, and the Husband enforc'd to give security for the payment, & many times imprisoned upon failer of performance; yet in those cases, both of Bonds and Imprisonments, the Husband upon *Habeas Corpus* returnable in the upper Bench, where by Judgment of that Court discharged of both, if the Husband cohabit, because the Law says, *Quos Deus conjunxit, nemo separet.* So as without the Husbands consent no separation could be made, and if no separation, no Alimony.

Nor were personall Infirmities or diseases contracted after Marriage sufficient cause of such separation, because she may board though not bed with such a Husband; but where the temper of the Husband was more severe and violent then discreet, That Court by the wisdom of prevention, which is better than the wisdom of remedies, did use by way of caution to take bond for the Husbands orderly usage of his Wife, to prevent the cruelty whereof they had no jurisdiction, but only in causes and *salute Animæ*, and not *pro reformatione Morum*, which belongs to the Common Law, and where upon complaint by the Wife in that kind the Common Law will enforce the Husband to give bond to secure both life and member of his Wife from maim and death.

And certainly *Reason* is against it.

1 *Reason*, commands obedience to Superiours, generally the Apostle puts it further for conscience sake, and disobedience is not cherished by any Reason.

2 One end of Marriage is mutual society and comfort, would be avoyded by the Act of the Wife, which is not to be admitted upon the petulant Allegation of difference betwixt her and her Husband upon personal Infirmities.

3 Marriage it self, and all the Laws of the Wifes subjection and ca-

pacity by so long time pronounced and received, by this means would be avoyded.

4 If God himself was pleased to say, it was not good for a Man to be alone, then surely we may safely say, it is not good for a Woman to be alone; for though they are the weaker Vessels, and have the lesser Reason, yet they have the stronger Passions, and more violent desires, and so more subject to Temptation and Sin.

5 Lastly, for the inevitable Danger of illegitimate Bastards, and Clandestine Issues (where the Wife is separate) who concealed til the Husbands death, are yet inheritable to his Land; though never begotten by him; This Inconvenience sadly weighed, and how Epidemically it may run to all Families of this Nation, is of it self a sufficient convincing Reason, to bridle the rash hot appetite of inconsiderable women and avoid all *Alimony*. But on the other side, If any Husband shall be so unjust to his Wife, and unkind to his own flesh, whom he is bound by Law to maintain, as to separate from her, and will not cohabite with her, *Nisi propter Adulterium*, or will consent to separate, it is most reasonable he should allow her convenient maintenance; else he should take advantage of his own wrong and humour, and Women should be in worse case and condition than Servants, who during their contract must have their wages, which between Husband and Wife ends not till death. And it is conceived the Act of Parliament, which impowreth the Lords Commissioners of the Great Seal to allow *Alimony*, chiefly and naturally intends Relief, where the Husband doth repudiate, and not the Wife; the words being upon consideration aswell of the Portion or Estate that hath been paid, or come to the Husband by such Wife as shall pray Relief.

And therefore in this particular Case, it may be very justly insisted, even from the sence and letter of the Act; as also that 'twas Mrs. *Ivie* separated her self from her Husband, 'twas not her Husband left her; Nay, after she was gone, he used all affectionated and prudential means to bring her home to Cohabite with him, neither doth he desist in the prosecution of it, but hath several ways attempted it, even untill this day, and doth still declare and protest his willingness to receive her, whensoever she will return, and give security for his well usage of her.

That she wanted nothing before her departure, but was indeed maintained far above her quality, is most clear from the Depositions, and it is clear also from the Depositions, that there was no deserting of her by her Husband, but that her departure was absolutely upon Advice

and

and consideration designed by her self and her Abettors, especially if your Lordships please to remember those unhandsome correspondencies held by her with Gentlemen under feigned names; her frequenting and meeting them in scandalous houses in *Long-Acre* and other places, at unseasonable times of the night, under the pretence of withdrawing from her Husband (being a Bed) to her Devotion; Those horrid and detestable plots upon *Jane Gilbert*, even to the losing of her life; Her charging her Husband with foul diseases, of which he was cleared upon Oath by the President of the College and other learned Physicians, And also her Contrivances and Sollicitations to her Brother *John Stepkins* to murder her Husband, which appears by the Oath of the said *Stepkins*.

Moreover seeing that there is a Caution in the Act, that the allowance to the repudiated Wife ought to be proportionable to the *Fortune* she brought her Husband: May it therefore please your Honours to understand,

1. That he never received any penny portion as yet, and hath great reason to doubt whether ever he shall.

2. Because the Estate of her Father is at present in the aforesaid Trustees, and not in the Defendant, nay it is so setled on them, that unless I can raise and secure 4000 l. more, besides 7000 l. already laid out, they are not obliged, neither will they, nor can they, convey it to the Defendant, as appears by the Indenture of settlement.

3. In case they should convey and settle on the Defendant the said Estate, 'tis only for his life, and no longer; for which Estate, being only 240 l. *per annum*, He has disbursed and laid out far more money than it is worth; this appears from the Indenture (*viz.*) a 1000 l. to Mr. *Stepkins* in ready money, to free the Estate from incumbrances three years since.

The Interest whereof comes to 200 l. In Iewels, Pearls, Ambergreece, Bezoar, &c. to the value of 1200 l. There was also spent in Law to enforce the Trustees, who were kept back and hindered by Mr. *Stepkins* her father, to settle the Estate according to the Covenants, and for the fine and recovery 200 l. more at least, which makes 2600 l.

That notwithstanding all the aforesaid sums of mony have been laid out by the Defendant, the *Trustees* do still refuse to convey the Estate to the Defendant, and the Plaintiffs brother (as Heir at Law) hath since the death of his Father got the possession of the Estate, and receives the Rents, Issues and profits thereof: Insomuch that the De-

fendant hath been neceſſitated to expend great ſums of mony to maintain ſeveral Sutes at Law, both againſt the Truſtees and Heir at Law, in preſervation of his Eſtate for life, which he has ſo dearly bought as aforeſaid.

That by the Plaintiffs means there has been conſumed and waſted of his Eſtate 4000 l. *viz.* 3000 l. ſince marriage ſpent on her, 500 l. given in money, 100 l. given to Gentlemen of her familiar acquaintance to perſwade her to goe into the Country, 300 l. taken in Silks and Plate from the Defendant, whilſt that he was at the Court of Aldermen: He has alſo contracted ſeveral great debts to the value of 3000 l. beſides 1000 l. ſpent in this unhappy Sute, and muſt therefore neceſſarily (in caſe 300 l. *per annum* be taken from him) be caſt into priſon the moſt part of his life (he having but 632 l. *per annum* of his own Eſtate) and that for his life only, both to pay all his debts aforeſaid, and to live on beſide.

Excepting the 240 l. *per annum*, which if it be recovered from the Heir of *Stepkins*, and recovered by the Truſtees, all which will yield but a ſcant and bare maintenance for himſelf, Wife and Family, to raiſe out of it 3000 l. for the Creditors, and 4000 l. more according to the Indenture of ſettlement, unleſſe the Defendant be acquitted and diſcharged of the ſaid 4000 l. by the laſt Will and Teſtament of the Plaintiffs Father, in whom the remainder of the Eſtate was, in caſe the Defendant ſhould have no Iſſue, or not peform the Covenants which he ſtands obliged to perform in the ſaid Deed: And though the Defendant is credibly informed, that the ſaid remainder is diſpoſed of to the ſaid Plaintiff, and the Defendant is alſo acquitted from all performance of any Covenants expreſſed in the ſaid Deed of Settlement; Yet ſo it is, that the Plaintiff having got poſſeſſion of the ſaid Will, and by combination with Sir *John Brampſton* Knight, &c. his Son, the ſole Executor of it, ſtill keeps and detains the ſaid Will from being legally proved: Inſomuch that the Defendant cannot make any benefit of the ſaid Eſtate, nor by Law enforce the Plaintiff to produce the Will (ſhe being his Wife.) That this is not a bare ſuggeſtion, I doubt not but is very evident to your Lordſhips, ſhe and her Sollicitor *Zanchey* having often avouch'd in your Lordſhips preſence, that both there is ſuch a Will, and that your Lordſhips have ſeen it: this is alſo very well known unto her Counſel Mr. *Maynard*, who cauſed to be delivered unto Sir *W. Row* a true Copy of the ſaid Will taken from the Original, which was long in his Cuſtody. But ſuch is the Plaintiffs malice to the Defendants Perſon and

Eſtate

Eſtate, that ſhe ſtill ſuppreſſes and hinders the proving of it, which is the ſole cauſe of the continuance of many great Sutes and vaſt expences to the Defendant, both with the Heirs at Law, the Executors of the ſaid Will, and Truſtees of the ſaid Eſtate; That both the Defendant and Plaintiff muſt neceſſarily be defeated of all hopes of ever enjoying the Fathers Eſtate for the future, unleſſe the 4000 l. aforeſaid be raiſed and diſpoſed of, according as is limited and appointed in the Deed of Settlement, or the ſaid Will proved, for in Default thereof, the Truſtees are obliged by the ſaid Indenture to ſettle the ſaid Eſtate on the Plaintiffs Father, and his Heirs for ever.

And the Eſtate is not as yet recovered by the Defendant, but is ſtill inveſted in the Truſtees, (who are no parties to theſe proceedings) and in the poſſeſſion of the Heir at Law; Inſomuch that no *Alimony*, as the Defendant is adviſed by his Counſel can be ordered from hence, becauſe the Ordinance of Parliament impowreth the Lords Commiſſioners to allow the maintenance out of the Husbands Eſtate, not out of any others whatſoever. And the Plaintiff hath or ought to have in her cuſtody 1200 l. worth of Jewels, which were delivered her according to the Indenture of Settlement at the Inter-marriage: And in caſe the Defendant ſurvive her, ought to be reſtored to the Defendant, who hath too great reaſon to ſuſpect that they are waſted and embezelled; and therefore the Defendant humbly beſeecheth your Lordſhips, that inſtead of giving her *Alimony*, you will be pleaſed to enforce her to give good ſecurity unto the Defendant, or bring the Jewels into Court, that ſo he may not be cheated of 1200 l. by the Plaintiff and her Abettors; and unleſſe your Honours yield to ſecure the ſaid Jewels, whilſt this cauſe depends before you, he doth not conceive where, or how he can be redreſſed from any Court of *England*.

That about the beginning of theſe unhappy differences, it was propoſed both by the Plaintiff and her Father, that in caſe ſhe might have her liberty to live where ſhe would, that ſhe would accept of 120 l. *per annum* for her maintenance, and look on it as a very good proviſion, which accordingly was agreed upon, and drawn into writing, and engroſſed, by and with the conſent of Sir *John Brampſtone* her Uncle, and *Orlando Bridgeman* Eſquire, two of her Truſtees; her Father alſo promiſing that his Eſtate ſhould be ſetled according to the Covenants on the Defendant, without further Sute of Law, but the ſaid Defendant was unwilling to ſeal it, being very tender to act any thing that might ſeparate him from the continual enjoyment and ſociety of his Wife;

ſo

ſo that 300 l. *per annum*, is more than her ſelf, Father, Truſtees, and friends did think fitting by 180 l. *per annum*.

That the Petition it ſelf is both falſe and ſcandalous, and hath been diſproved by ſeveral Witneſſes; nay the contrary alſo proved by Perſons of Quality, that ſhe lived very plentifully in great abundance, rather beyond, than under her Quality in every reſpect, as the Defendant hopeth is moſt viſible to your Honours.

That notwithſtanding ſuch vaſt ſums have been expended on her by her means, and that the ſaid Defendant is to pay to Creditors 3000 l. and to raiſe 4000 l. more to be ſecured unto the Truſtees as aforeſaid; And that in caſe he recover the Plaintiffs Fathers Eſtate, 'twill not with his own, make above 872 l. *per annum*, out of which all theſe moneys muſt be raiſed; and in caſe 300 l. *per anuum* of this ſhall be taken away out of the Plaintiffs Fathers Eſtate, which he has dearly bought, and purchaſed; That 'twill be impoſsible for the Defendant to avoid perpetual impriſonment, but muſt be kept in Goale, and the Creditors defrauded, and muſt there periſh, and himſelf be cheated alſo of 1200 l. worth of Jewels; yet he is moſt willing to receive her, and take her again, and forget all former Paſſages whatſoever, that ſo they may for the future lead a peaceable and godly life together.

Counſel alſo I did retain, very many, and great ones; That in Caſe the Lords ſhould refuſe the Papers, and would not hear the Merits of the Cauſe in Publique, (in regard I might not be wanting, to loſe the opportunity of that Time which they had ordered for me) I drew up alſo to be tendred at the ſame time (that (if it had been poſsible) I might have prevented both Reading and Arguing too) this ſhort Petition following.

Theodoſia Ivie *Plaintiff*, Thomas Ivie *Defendant*.

To the Right Honourable the Lords Commiſſioners for the Cuſtody of the Grat Seal of England.

The humble Petition of *Thomas Ivie*, Defendant.

Sheweth,

THat your Petioner (with much Horror and Amazement) doth conſider the great unhappineſſe of his future life, if your Lordſhips ſhall both ſeparate him from the Society of his Wife, and take from him ſo great a part of his Eſtate, having ſuch great debts to pay, as have been made appear to your Lordſhips.

That he cannot deſpair in the infinite Mercy of God, in whoſe hands are the hearts

hearts and desires of all Mankind, but that his Wife (notwithstanding such vast sums of Money have been wasted, and such odious aspersions cast on him) may yet return, and take comfort from her Husband (being passionately desirous to receive her) if all Christian and prudent means may be applyed.

That for your Petitioners part, he doth (as in the presence of God forgive her from the bottom of his Soul, and is most willing to Cohabite with her, so long as he liveth on Earth.

That he hath often desired to expresse unto her, and used all the Industry (as Man can imagine) but once to speak with her (even before any of her friends, to let her know so much) but could never obtain any such meeting from her.

In Order hereunto, he is very willing that a Godly and Conscientious Divine, (may be received to live in house with your Petitioner & his Wife) both to exhort and instruct them in their Duties towards God, and one another; and to perform all Gospel, and Family-Duties amongst them: for certainly the Lord will not deny a Blessing on those means which he hath ordained; and which is unfeignedly sought after by a broken and contrite Spirit. And your Petitioner will oblige himself to allow any such Minister 50 l. *per annum, besides all other conveniences whatsoever.*

May it therefore please your Lordships, not to pronounce any such hard Sentence (as *Separation*) but rather enjoyn your Petitioner and his Wife to live together; and to appoint any honest and religious Divine to live with them, who may ever be at hand to pray with them, and for them, and to keep up their Spirits in Peace and Unity together.

August 24th. 1652

And your Petitioner shall pray &c.
Thomas Ivie.

When the Day came, and the Counsel began to speak, my hopes were quickly commanded to vanish, and the Counsel to hold their Peace; for they suddenly declared, That they would not hear the Merits of the Cause.

With much pressing, Mr. *Lisle* read the Petition; And though they took evident notice of it, yet would they not return any Answer to it; or so much as demand of my Wife, (who stood there laughing in their presence) whether she would return to me, or no; Only they were pleased to find fault with that word [*Separation,*] And told my Counsel, That they neither had, or could separate our Persons.

These

These words they had no sooner spoke, but (I confess) I laid hold on; though I had been most hardly and severely dealt withall, in the judgement of those that were present.

Insomuch, That now I did despair, ever to find amongst them, and indeed, did determine to commit my Cause unto God, untill (in his due time) he should raise up Judges in our *Israel*, who should execute Righteous Judgement, even upon those Judges themselves.

But in the mean time, I was advised (which was very agreeable unto my own Disposition, not to leave any thing unattempted, which might be thought advantagious to a Union of Us,) but to go personally to my Wife, and perswade her my self, to leave those Persons who aimed at both our Ruines, And to return to me, (passionately willing to receive her.)

And if she should, (notwithstanding) refuse to speak, or go with me, then to demand her of those Persons who received her into their houses.

Accordingly, (taking two civil Gentlemen) I went to her Lodging, but received a Repulse from her, instead of Complyance; and then, seeing Mr. *Williamson*, (who kept the house) I required from him the person of my Wife, who refusing her, was sued by me.

And upon the Trial before my Lord Chief Justice *Roles* (a renowned person) had a Verdict, Judgement and Execution of 100 l. against the said *Williamson*, for detaining my Wife from me.

Many Counsels there were to argue the Case; and the Decree it self (under the great Seal of *England*) was opened, read, and shewed the Jury: But the Lord *Roles* quickly stated the resolution of the Case in my behalf, and the Jury gave me 100 l. damages.

Williamson (now finding himself in a great *Dilemma*) either to deliver up my Wife, or himself, to ruine; and my Wife in so bad a condition, notwithstanding her glorious Decree) that although she had 300 l. *per annum*, yet if she could not take the liberty of her old Companions, or any new one (whersoever she should be entertained) for fear of judgement and Executions; began to take new Counsel, how to free Mr. *Williamson* and her self from this bondage of living under the Roof of a Husbands House; and the truth is, sollicited it to the purpose (amongst her old *Patrons*) the Lords Commissioners.

For withall (speed, *Williamson* prefers a Bill in Chancery to be relieved against my Execution. And after he had preferred his Bill (though my Answer was so clear, as it could not admit of one exception) moved for an *Injunction* (after Judgement and Execution granted at Law)

Law, and to protect him for keeping away my Wife; which was granted in these words, (as fully as he could desire) being ingrossed in Parchment and sealed.

THe Keepers of the Liberty of England, *by Authority of Parliament*; *To* Thomas Ivie *Esquire, and to his Counsellors, Agents, and Sollicitors, and every of them, Greeting. It was informed in our Court of Chancery* 10 November *instant, in the behalf of* George Williamson, *Pl. against you the said* Thomas, *that the Pls. Bill is to be relieved against an Action and Judgement, thereupon obtained against the Pl. upon pretence of the said Pls. detaining of your (the said Defendants Wife) from you, and it appearing in a* Cause *of* Alimony, *between you, the said Defendant, and your Wife, that their Lordships decreed her* Alimony, *during* Separation; *In which time, she ought to have a Habitation apart from you the said Defendant, as well as a separate maintenance, or else, the Decree were groundlesse: And we conceiving the doings of you (the said Defendant) to be altogether unjust, Do command, and by these presents strictly enjoyn you the above-named* Thomas Ivie, *and you his said Counsellors, Attorneys, Agents, Sollicitors, and every of you, under the pain of* 500 *l. to be levied of your Lands, Goods and Chattels to our use, That you, and every of you, (do from henceforth) surcease and forbear all further Proceedings (at the common Law) against the Plaintiff upon the said Action and Judgement thereupon, until the said cause shall be finally heard and determined before us in our said Court; And this you, nor any of you, may omit in any wise (under the penalty aforesaid.) Witnes our hands, at* Westminster, 10 November 1653.

Vera Copia ex May.

This *Injunction* (being now granted, signed and sealed, with the Commissioners hands under the great Seal of *England*) is the Accomplishment of all their Designs; and the compleating of my Misery; though the Courts of Law, both could and have (in some measure) relieved me; yet is the power of it restrained by this *Injunction*; which indeed, I suppose, can be called nothing else, than a perfect *Separation* and *Divorce*: whether the Chancery (being stiled the high Court) ever receives from any Parliaments, such an unlimited power as this, it behoves them to make out unto your Highness.

Tis the opinion, both of the greatest and honestest Counsel of *England*; That no parallel for this Case, no President of the like Nature, is to be found on Record; Nay, they are not backward to aver, That it is as contrary to the Word of God, the Law of the Nations, the

Civil Law, the Law of our own Country, as well as the Practice of the Chancery it ſelf.

Once did that Court (by its own Authority) iſſue out a Sequeſtration upon a Gentlemans Eſtate, and it was by very many Perſons admired, and murmur'd at; bnt never could I hear, that they ever ſequeſtred Women from their Husbands.

Were there not a ſuperiour Juriſdiction over this Court, (whoſe Determinations ſeems too too Arbitrary,) being grounded ſolely upon the Opinions (not to ſay the Paſſions, or Affections) of two or three Erring men, what a miſerable Bondage and Slavery were this Nation in? what Benefit could we expect from all the good Laws of former Ages, if their power may be quell'd, or ſuppreſt at the pleaſure of the Chancery? They might have (for ought I know) made an Injunction alſo, that I ſhould never complain; and if I had attempted to have made known my Caſe, to have laid me by the he 's.

But bleſſed be the name of our God *Jehovah*, whoſe extraordinary Providence hath been viſible in this Land, that he hath raiſed up and ſetled your Highneſſe to be next under himſelf the Supreme Diſpenſer of Juſtice and Righteouſneſſe to theſe Nations, which the Lord has happily placed under your Highneſs Government. By which means we have a juſt confidence to be aſſur'd, having had many Experiences already of your Highneſſes ſingular piety and juſtice in thoſe ſeverall ſtations where the Lord has formerly placed you, That there ſhall be no more complainings made, either in our ſtreets, or in the very corners of our Country, but ſhall be heard, and relieved even againſt the Great Ones amongſt us.

Tis your Highneſs power therefore which I implore; tis only your power can free me from thoſe Fetters which are laid upon me by the Lords Commiſſioners; only your power that can repair me for the Injuries done (both to my Perſon and Eſtate, which I have undergon) by Reaſon of my ſeduced Wife; Tis you alone, that can reſtore me the Benefit of the Law, againſt thoſe that have been Incendiaries and Abettors of theſe unnatural differences between us: That ſo my reputation (which hath been a long time clouded) may be made clear; my Perſon (which hath continually been moleſted with Catchpoles by my Wifes means) maybe at length free; And that I may be in a condition to ſatisfie my Creditors (their juſt debts) whoſe Purſes have ſupported me; and that a final end may be put to theſe unnatural differences, concerning my Wife, as in Iuſtice and Conſcience ſhall ſeem meet unto your Highneſs.

In

In order to this, I have deliver'd in my Petition, and the ſtate of my Caſe, to Mr. *Sadler*, and Mr. *Long*, to be delivered unto your Highneſs. *In theſe words.*

To the Parliament for the Commonwealth of *England*

The humble Petition of Thomas Ivie *Eſquire.*

Sheweth.

THat *your Petitioners Wife very ſuddenly after her intermarriage with him, having got from him a joynture of* 1000 l. per annum, *with* 1000 l. *in ready money to be left her at the time of his death, and* 1200 l. *in Jewels,* 600 l. *worth of Cloathes,* 500 l. *in ready money, and accommodation to the value of* 3000 l. *in leſs than* 18 *moneths time, (and all this without one penny portion with her) hath not only deſerted his Company, but hath preferr'd a ſcandalous Petition to the Lords Commiſſioners for the Great Seal againſt him, yet nothing material proved.*

That by theſe unnatural courſes, ſhe hath cauſed him to ſpend 3000 l. *in this and twelve other Sutes at Law; by which means aforeſaid, your Petitioner is become indebted at this preſent time* 3000 l. *more at leaſt.*

That he hath often tendred unto the ſaid Commiſſioners his willingneſſe to receive her, and to give any ſecurity which they can require, to uſe her with all loving Reſpects becoming a good Husband.

Notwithſtanding the ſaid Commiſſioners have allowed her 300 l. per an. *Alimony; and refuſed to hear the Merits of the Cauſe, though they had ordered it under their hands; and have alſo granted an Injunction to protect ſuch (who keep the Perſon of his Wife from him) contrary to Law.*

Inſomuch, that your Petitioner hath no remedy left in Law or Equity (All which more clearly appears by the State of his Caſe and Narrative hereunto annexed.)

May it Therefore pleaſe your Honours to commiſerate his ſad condition; and (in regard ſhe obſtinately refuſeth to Cohabit with him in the Quality of a Wife) to vacate the ſaid Order of 300 l. *per annum*; and to null the ſaid Joynture of 1000 l. *per annum*, and 1000 l. in ready money; and to enforce her to return the 1200 l. in Jewels, whereby your Petitioner may be inabled to ſatisfie his Creditors their juſt debts; and that Reparation, and Satisfaction may be made, both to his reputation and Eſtate, as ſhall ſeem meet to your Honours Wiſdoms and Juſtice.

And your Petitioner, &c.

To the Parliament for the Common-wealth of England.

The State of the Case of Thomas Ivie *Esquire.*

THat Mr. *Ivie* about *October* 1649. took to Wife *Theodosia Garret*, Widdow, Daughter of *John Stepkins* Esq; on whom, by reason of the great affection which he bore unto her, he setled 1000l. *per anjoynture*, and gave also security to leave her 1000 l. in ready money at the time of his death, and this without any consideration of a Portion from her Father, or any Estate left her by her former Husband, who not only left her without a Joynture, but in debt also.

That the said *Stepkins* perceiving how really Mr. *Ivie* stood affected to his said Daughter, and with what cheerfulness and willingness he was resolved to settle all his Estate for the good and preferment of his said Daughter, was content, that if Mr. *Ivie* would free his the said *Stepkins* Estate, which was 240 l. *per annum*, then incumbred with several debts, or pay a 1000l. towards the same, and deliver into the hands of the said Daughter 1200 l. in Jewels, that then should be setled on Mr. *Ivie* for his life, and afterwards to the use of his Daughter for her life; And in case he had no Issue by her, then to the Heirs general of the said *Stepkins*, or such as the said *Stepkins* should limit and appoint.

Whereupon Mr. *Ivie* did deliver unto the said *Theodosia* rich Jewels to the value of 1200 l. in ready money to the said *Stepkins* to free his Estate accordingly.

That Mr. *Ivie* then expected a reciprocal return of his affection, which he had so cordially demonstrated: But when the said 1000 l. was paid, and a firm and legal settlement of the Joynture made, and the Jewels delivered to his said Wife, he found great reason to suspect, that 'twas rather his Fortune than himself, which she had wedded: For she not only sought all means to avoid his Company, but chose out those as she thought might be most offensive to him, and such (whom by reason of the scandal they lay under) he had prohibited her to converse with.

Notwithstanding, seeing it was the pleasure of the Lord to unite them in so near a union; Mr. *Ivie* was resolved not to leave any fair and honest motives (either of Purse or Perswasion) unattempted, which might encline her affection towards him; and in order hereunto (there was nothing which she ever propopoſed, which might be for her content) that he did deny unto her: And in less than fourteen Moneths, she expended in apparel, 600 l. in ready money 500 l. and

and for other Accommodations about 2800 l. beſides the 1200 l. in Jewels, and 1000 l. in money aforeſaid; which amounts to 6100 l. Nay, the Gifts were ſo great he beſtowed on her, That he ſuppoſeth, ſhe was even aſhamed to requeſt any more from him.

Nevertheleſs ſhe, by the evil Counſel of her Confederates (while he was at the Court of Aldermen) did convey out of his houſe Plate, and rich East-India ſtuffs, to the value of 300 l. and divers other goods, which were by her and her Confederates carried away, and imbezelled.

That Mr. *Ivie* now finding his own Eſtate, as well as his Wifes Affection, too too viſibly declining, and that nothing could attend ſuch an unhappy condition, but Ruine and Diſhonour, to prevent both, perſwaded his ſaid Wife to retire with him for a while to his Eſtate in the Country; thinking thereby to take her off from the Temptations of thoſe ſeducing Perſons, who engaged her in ſuch pernicious courſes.

But inſtead of a complyance, he found a greater Obſtinacy than ever, neither could her own friends, (who then perſwaded her to leave the City for a while) prevail with her. And that there might be no Induſtry wanting to perſwade her, he gave 100 l. to two perſons of her familiar Acquaintance, to be urgent and ſollicitous to endeavour the Accompliſhment of his deſire.

But by the Practiſes of the ſaid Confederates, ſhe was ſeduced to the preferring of a vile, ſcandalous, and falſe Petition to the Lords Commiſſioners againſt Mr. *Ivie* for obtaining *Alimony*; but not one ſyllable of her ſuggeſtions proved againſt him: Nay, the contrary proved by Mr. *Ivie*, by the ſeverall Teſtimonies of many perſons of good Quality and Reputation, as appears by the Depoſitions themſelves, beſides his own Oath which he made in anſwer to the ſcandalous aſperſions caſt upon him.

Notwithſtanding this Vindication, after two years dependance in the Chancery, and the Expences of almoſt 3000 l. in this unnaturall, and twelve other Sutes at Law, (which were commenc'd againſt him, by the means of this Sute) ſhe obtained from the Lords Commiſſioners an Order in privat for 300 l. *per ann. Alimony*.

(Notwithſtanding Mr. *Ivie* was always ready to receive her, and uſe her in all Reſpects according to her Quality) neither Mr. *Ivie*, nor his Counſel being preſent; Notwithſtanding they declared, That they would ſend for Mr. *Ivie* before they would give Judgement in the Caſe; But never as yet did, nor ever yet heard the Merits of the

Cauſe

[illegible] in respect of the [illegible] and in respect of the Allowance (in case Mr. [illegible] guilty of the Complaint) contrary to the Act of Parliament.

Having thus Affliction added to Affliction, and being in Debt by the means of his said Wife above 3000l. And having not wherewithall to sell to pay his Creditors, (And in regard the Reversion of his Estate is setled on his said Wife) he attended almost a year upon the Lords Commissioners for his relief, that they would be pleased but to grant him a fair hearing upon the Merits of the Cause, in presence of both parties, with their Counsel; which was by their Order accordingly granted, and a day by them appointed.

But when the day came, and Mr. *Ivie* had retained to his great charge, many great Counsel, The Lords Commissioners absolutely refused to hear the said Cause; which hath exposed the said Mr. *Ivie* and his Wife to all manner of Temptations, and their Persons and Estates to utter Ruine.

And although at the same time Mr. *Ivie* did Request the said Lord Commissioners to recomend any godly Minister, whom they themselves should chuse to live in house with him and his Wife (as an Expedient to a Peace and Reconciliation between them) for which he obliged himself to allow [illegible] Minister 50 l. *per annum*, besides all other fitting accommod[illegible] whatsoever; yet was this Proposall slighted by them, and la[illegible] by his said Wife, even in the presence of their Lordships.

And since that time Mr. *Ivie* having [illegible] those (who received her and denyed her unto him) and obtained [illegible] just proceedings in Law, a Judgement and Execution against such Persons, The Lords Commissioners have notwithstanding granted their *Injunctions* [illegible] their *Protection*.

Insomuch, that they have now effected an absolute Separation, which is contrary to the Law of the Nation, and the Act of Parliament for *Alimony* it self; which was declared by my Lord Chief Justice *Hale* upon Reading the Decree for *Alimony*.

FINIS.